

Fisher, Petra (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org>
Sent: August-02-11 4:34 PM
To: Peters, Barry (ENERGY); Write2us (ENERGY)
Subject: FW: Etobicoke Power Plant construction- Community Meeting
Attachments: residents turned away.jpg; MPP Charles Sousa - Miss. South.jpg

From: Heather Emerson [mailto:oneeyeblicking@hotmail.com]
Sent: Friday, July 29, 2011 4:18 PM
To: Anna (Theo); Daphne (Sam) Korczak; Ines (Analia); kcollett53@hotmail.com; Kinga and Arthur (Maksym); Lina (Lauren); Loanne Voskans; Monica and Paul (Grace); Nadia (Eli); Rebecca (Nate and Nolan); yvonne (Noah); dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthomes@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; Karen Munchkins; Sara Schlatter (Brady); stephanienyilas@yahoo.ca; ssteele001@sympatico.ca; Vanessa & Shane; Adrianna (Alexandria, Ella) Bogris; Aylin (Ava); Candace Freyseng (Pasha); Elena (Nikolina); Roy (Sam); Robyne (Luke); Rose Bianchini; Sarah (Alyssa); Tamara (Milica); Violetta (Samantha); Broten_Laurel-MPP-CO; Sousa_Charles-MPP; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; Councillor Doug Holyday - Etobicoke; Duguid_Brad-MPP; jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca; andrew.pride@powerauthority.on.ca; Derek Emerson
Cc: d3748@rogers.com; Greg Rohn - home; aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca; news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca; globalnews.tor@globaltv.com; breakingnews@cp24.com
Subject: RE: Etobicoke Power Plant construction- Community Meeting

Hello concerned residents, media and elected officials,

With Cancer-awareness being at an all-time high, the continued construction of the Etobicoke PowerPlant is a shocking disappointment and I'm sure you will appreciate this update:

Yesterday's community meeting was a good success for those of us who oppose the construction of a local Power Plant and I've attached two photos. The Eastern Power company selected the smallest possible venue and tried to turn residents away **and we showed up anyhow**. Good for us! More than 150 angry residents from all different areas of Etobicoke and Mississauga pushed their way into the meeting to let the elected members know that this will be an election issue. Donna Cansfield, MPP and Charles Sousa, MPP were among them and I'm sure they're getting the message - **the person who stops the construction will get my vote**. The issue seems to be that there will be a cost associated with cancelling the PowerPlant's permits and to that I ask: What price should we put on our health, our children's health and the well being of the Etobicoke Creek habitat? Keep up the pressure. **HELP MAKE THIS AN ELECTION ISSUE**. Please forward the link to the petition to your friends to sign.

<http://www.thepetitionsite.com/1/Stop-the-Queensway-Power-Plant/>

All the emails you need are on this message if you would like to "Reply All" and make your opposition known as well. And here are the communications links for the elected Ministers who require public pressure to help them oppose the continued construction of this dangerously irresponsible project.

John Wilkinson, Minister of Environment <http://www.ene.gov.on.ca/environment/en/main/contacts/minister/index.htm>
Brad Duguid, Minister of Energy – <http://www.mei.gov.on.ca/en/about/index.php?page=contact-information>

For those looking for info about the power plant, check out Rogers TV's recent program about the issue: <http://goo.gl/7WqN9>

Cheers,

Heather, Derek and baby Kira Emerson
18 Fieldstone Rd., M9C 2J6
416 621-5107



NO
POWER
PLANT

We need
Clean Air

CENTRE

MONSTER

SHARP





Fisher, Petra (ENERGY)

From: Sfendeles, Kyriaki (ENERGY)
Sent: August-03-11 1:20 PM
To: Nutter, George (ENERGY)
Subject: Citizen call

George, hi.

A lady, Anita, called, said she is concerned about the Greenfield South plant in Mississauga and wishes to know "why the natural gas plant is being constructed when the Ministry of Energy has ordered an environmental reassessment".

Her telephone number is: (905) 629-4501.

Kyriaki (Kyri) Sfendeles, Reception
Deputy Minister's Office
Ministry of Energy
900 Bay Street, 4th Floor, Hearst Block
Toronto, ON M7A 2E1
416-327-6758
416-327-6755 fax
kvriaki.sfendeles@ontario.ca

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: August-04-11 11:04 PM
To: Wismer, Jennifer (ENERGY)
Subject: Re: 8:30 am call on Vapour

Unrelated content removed

I will reply that I am available for this call.

David

----- Original Message -----

From: Wismer, Jennifer (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Thu Aug 04 22:07:47 2011
Subject: Fw: 8:30 am call on Vapour

Hi,

Might you be free for this call tomorrow?

----- Original Message -----

From: Bromm, William (CAB)
To: Wismer, Jennifer (ENERGY)
Sent: Thu Aug 04 21:22:37 2011
Subject: Fw: 8:30 am call on Vapour

Jennifer - can you check if David is available for this call?

----- Original Message -----

From: Morley, Chris (OPO)
To: Bromm, William (CAB); Livingston, David (IO); Jamieson, Shelly (CAB); Lindsay, David (ENERGY); Segal, Murray (JUS)
Cc: Marangoni, Emily (OPO)
Sent: Thu Aug 04 20:22:57 2011
Subject: 8:30 am call on Vapour

Gang,

Going to ask us to convene on a call at 8:30 am EST on Vapour. I would feel best if we discussed the specific plan we were going to execute.

Number is below.

Unrelated content removed

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: August-05-11 10:31 AM
To: Bromm, William (CAB)
Subject: Re: 8:30 am call on Vapour

Thanks William.

Can you help Jennifer Wismer in my office understand what documentation I need to keep on file authorizing my signature.

Thanks
David

----- Original Message -----

From: Bromm, William (CAB)
To: Morley, Chris (OPO); Livingston, David (IO); Lindsay, David (ENERGY); Segal, Murray (JUS)
Sent: Fri Aug 05 10:29:20 2011
Subject: RE: 8:30 am call on Vapour

Colin good with idea of letter w no change to agreement language. He knows timing - Board meets at 1 as Chris thought.

W--

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: August-05-11 11:39 AM
To: Wismer, Jennifer (ENERGY)
Subject: Fw: Vapour

More documents are coming in five minutes. See my response below based on the conversation we just had with Andrew Mitchell.

From: David Livingston <David.Livingston@infrastructureontario.ca>
To: Lindsay, David (ENERGY)
Sent: Fri Aug 05 11:37:55 2011
Subject: RE: Vapour

Perfect. You (and he) will have the side letter in 5 minutes.

From: Lindsay, David (ENERGY) [mailto:David.Lindsay@ontario.ca]
Sent: Friday, August 05, 2011 11:37 AM
To: David Livingston; Chris Morley (OPO); Shelly Jamieson (CAB); Murray Segal (JUS)
Subject: Re: Vapour

Okay. I've just read the arbitration agreement here in Stratford and had my office read the Minister's letter of authorization drafted by William Bromm and the supporting Cabinet minute. Based on this authorization I have signed the arbitration agreement.

My Minister still wants to see the side letter before we sign off on that. He is in his constituency office and will review when it is ready.

David

From: David Livingston <David.Livingston@infrastructureontario.ca>
To: Morley, Chris (OPO); Jamieson, Shelly (CAB); Lindsay, David (ENERGY); Segal, Murray (JUS)
Sent: Fri Aug 05 11:32:34 2011
Subject: Vapour

Just fyi, I spoke to Pat McNeil at OPG and asked him not to send any Board documents. I said the current predisposition was to give OPG and TCE more time to work out a deal and not rush to meet an August 31 deadline. He actually seemed somewhat relieved (and just to confirm TCE was also quite fine with this). As a result, he has delayed the Board Committee meeting he had planned for Monday. I think we will have to get back to him to more formally to push this off, but for now we are ok. For now the focus is on the Arbitration Agreement. David, maybe this is something you and I can deal with when you are back on Monday?



LAUREL BROTEN, MPP

Etobicoke - Lakeshore

June 20th, 2011.

Dear Heather;

Thank you for your recent email expressing your concerns regarding the construction of the Greenfield South energy project in the City of Mississauga.

As you may be aware, this site underwent an Environmental Assessment and was granted a certificate of approval in 2008. Strengthened by the feedback from the community consultation at the time, the plant will be required to meet stringent safety and environmental requirements that include; ambient air monitoring for two years and stack emission monitoring to assess any off-site impacts. As well, a community advisory committee will be established to work together to monitor activities and share information.

For many years, I have been active, along with other residents in Etobicoke-Lakeshore to ensure that we have "Good Air, Safe Power". The GASP Group worked in support of the demolition of Lakeview Generating Station in 2005.

As MPP for Etobicoke-Lakeshore and a resident of this community, I have always been concerned about air quality and quality of life in Etobicoke-Lakeshore and can appreciate that both our community and surrounding areas have questions about the possible impact on local air quality and the environment.

Although consultations were part of the Environmental Assessment process, there have not been any consultations in several years, during which time many new residents have moved into Etobicoke-Lakeshore. As such, I have asked that the Minister of the Environment and the Minister of Energy conduct a review of environmental impacts. If the results indicate that the air quality or environment in this community will be compromised by the construction of the Greenfield South power plant, you can be assured that I will not support its construction.

Working to find a solution to our community needs, as well as the province's plans to replace our energy supply with new, clean reliable sources of energy must be balanced with the need to address potential environmental impacts. I look forward to continuing to work with you to ensure these issues are addressed.

Once again, thank you for taking the time to write.

Yours truly,

Laurel C. Broten, MPP
Etobicoke-Lakeshore

Constituency Office

701 Evans Avenue, Suite 100, Etobicoke ON, M9C 1A3
Tel 416-259-2249 | Fax 416-259-3704 | Email lbroten.mpp.co@liberal.ola.org

Ministry of the Environment

Environmental Assessment and
Approvals Branch

2 St. Clair Avenue West
Floor 12A
Toronto ON M4V 1L5
Tel.: 416 314-8001
Fax: 416 314-8452

Ministère de l'Environnement

Direction des évaluations et des
autorisations environnementales

2, avenue St. Clair Ouest
Étage 12A
Toronto ON M4V 1L5
Tél. : 416 314-8001
Téléc. : 416 314-8452



ENV1283MC-2011-1824

June 29, 2011

Ms. Heather W.
hlynnw@gmail.com

Dear Ms. Heather W:

Thank you for your e-mail of June 19, 2011 bringing to the Minister's attention your concerns about the construction of the Greenfield South gas-fired generating station in south Mississauga. I am pleased to respond on behalf of the Minister.

You indicated your concern about the issuance of a construction permit for this facility. Please be aware that it is the responsibility of our municipal partner, the City of Mississauga, to issue construction permits and to determine appropriate land uses according to municipal zoning requirements. The Ministry of the Environment encourages municipalities to consider our D-Series Guidelines to establish separation distances between incompatible land uses when preparing official plans and making zoning decisions. I would encourage you to contact the City of Mississauga about your concerns with this project.

The proponent in this case, Eastern Power, fulfilled the technical and regulatory requirements of the Environmental Screening Process to the satisfaction of the Minister by preparing comprehensive scientific studies and consulting with the public. Approval to proceed with this undertaking was given by the Minister in July 2008. A Certificate of Approval (Air) was issued by the ministry in December 2008, after a detailed technical review of the project confirmed that the facility could meet our stringent emission standards. The Certificate of Approval (Air) imposed conditions on the facility requiring it to be operated to meet provincial emission standards and in an environmentally responsible way.

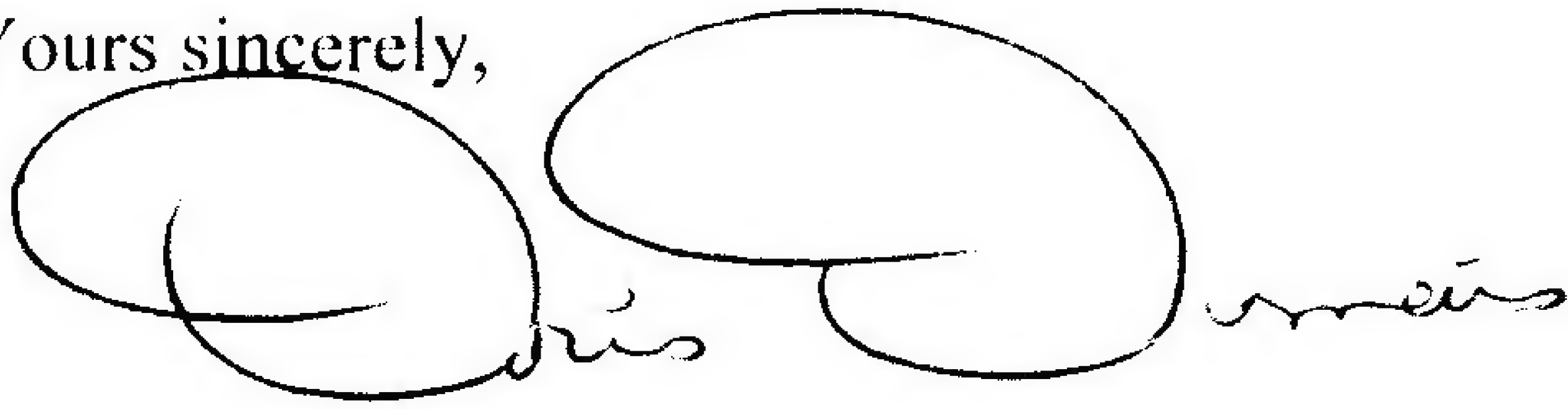
Nevertheless, the ministry is aware of the concerns raised by you and other local residents. We are also aware that some land uses have changed in the area, for example, people are living in buildings that are taller than what was present previously. This is why the ministry has decided to review the Certificate of Approval (Air) for the Greenfield South plant to ensure that the plant can be operated in a way that is fully protective of the public health and the environment. We will notify you of the results once the review has been completed.

Ms. Heather W.

Page 2.

Your advocacy on behalf of the local environment is commendable and I appreciate your interest in this matter. I trust this information is helpful. If you have any further questions or concerns, please contact Mr. Ian Greason, P.Eng. at 416-212-3417 or ian.greason@ontario.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Doris Dumais". The signature is fluid and cursive, with the first name "Doris" and last name "Dumais" clearly distinguishable.

Doris Dumais

Director – Approvals Program

Environmental Assessment and Approvals Branch

Fisher, Petra (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org >
Sent: August-02-11 4:33 PM
To: Write2us (ENERGY); Peters, Barry (ENERGY)
Subject: FW: Greenfield South Power Plant - City of Mississauga
Attachments: MPP Broten letter.pdf; MOE letter.pdf

From: Heather W [mailto:hlynnw@gmail.com]
Sent: Friday, July 29, 2011 5:22 PM
To: Cansfield_Donna-MPP; Sousa_Charles-MPP; Broten_Laurel-MPP-CO; councillor_grimes@toronto.ca; councillor_milczyn@toronto.ca; mayor_ford@toronto.ca; Wilkinson_John-MPP-CO; mayor@mississauga.ca; McGuinty_Dalton-MPP-CO; Duguid_Brad-MPP
Subject: Re: Greenfield South Power Plant - City of Mississauga

Further to my previous email, I would like to know why the public was shut out of a public information session about the 280-megawatt Greenfield power plant on Loreland Ave. in east Mississauga.

I registered to attend the July 28th session and was told that I could not be accommodated because the meeting was being geared towards local residents to discuss the local impacts of construction.

In response to my previous email, I was under the impression that the Certificate of Approval for the facility was undergoing a review and that I would receive information on the findings of that review. I am concerned as to why there are public meetings taking place about construction impacts when a full environmental review of the facility has yet to be undertaken. See attached emails for pertinent responses.

As you are all aware, plans to build the plant, in the works for years, have been and will continue to be opposed for a variety of reasons, including its proximity to homes, Trillium Health Centre West Toronto and Etobicoke Creek. The emissions from the plant know no boundaries and the broader community has a right to know what's happening with the proposal and what the province is doing to halt it.

Please advise on the status of the environmental review of this project.

Heather

On Sun, Jun 19, 2011 at 4:43 PM, Heather W <hlynnw@gmail.com> wrote:

I am extremely concerned with hearing that the City of Mississauga issued a building to clear the way for Eastern Power Ltd to build a 280-megawatt gas-fired plant in the southwest of Mississauga just west of the Sherway Gardens mall.

As I am sure you are aware, the site backs onto the Etobicoke Creek, a hospital, residential areas, and new condominiums that were not taken into consideration in the initial approval of the project.

The emissions from the plant area expected to pose air pollution and human health and safety risks. The plume that could come out of the Greenfield South plant, which is the escaping particulate matter that's carcinogenic

and unhealthy, blows east and southeast, affecting all of the residents in the Long Branch, Mimico, Lakeshore, West Toronto and downtown Toronto areas.

I understand that the Minister of Energy pulled the plug on the Oakville plant in October 2010, citing that "changes in demand and supply" as well as successful conservation efforts meant the Oakville plant was no longer necessary for the Southern GTA's energy needs. With this confirmation from the province that the need for the energy is no longer an issue for the area, why would the similar Greenfield South project still go ahead?

I greatly appreciate that Minister John Wilkinson has decided to review the MOE's decision to approve plans for the plant. I understand that MOE issued a certificate of approval in 2008, but with the changes in the provincial energy picture and the surrounding land use changes, the project is being called into question. The initial approvals were granted when local, gas-fired powered generation was seen to be the right solution, but seemingly the picture has changed given the recent decision in Oakville. I think it's important for residents to know whether this is the right source of energy, if needed at all, and whether our airshed in the western and downtown portions of Toronto is any less sensitive than that in Oakville.

With the cancellation of the Oakville plant, with work still being done on developing Ontario's long-term energy plan, and given the lack of information relating to the environmental assessment process demonstrating the impact of this project, this plant should not be built with so many unanswered questions as to its safety or necessity.

Simply stated, the natural-gas-fired power station is too close to residential and environmental areas and just like the Oakville plant, needs to be axed by Premier Dalton McGuinty. There is simply no need for the additional energy capacity and the unknown health and environmental risks are far too great.

As a resident of South Etobicoke, I am seeking ample proof as to why, months after the province cancelled a gas-fired power plant planned for Oakville, we are potentially going to be still stuck with a similar project our backyard. The plant seems unnecessary and potentially dangerous to public health and safety.

Please let me know what is being done to halt this project.

Thank you,
Heather

Fisher, Petra (ENERGY)

From: MacLeod, Heather (ENERGY)
Sent: August-09-11 2:34 PM
To: Lam, Wilson (ENERGY); Anam, Zobair (ENERGY)
Cc: Jobe, Cedric (ENERGY); MacLeod, Heather (ENERGY)
Subject: FW: Notes for AMO
Attachments: AMO IN - Gasoline Prices and Supply - Aug 9 2011.doc; AMO IN - Natural Gas Plants - Aug 9 2011.doc; AMO IN - Nuclear - Aug 9 2011.doc; AMO IN - Smart Meters-TOU - Aug 9 2011.doc; AMO IN - Electricity Prices - Aug 9 2011.doc

Unrelated attachments removed: Gasoline Prices and Supply; Nuclear; Smart Meters - TOU; Electricity Prices

Hi Wilson and Zobair,
Do you think you could address the nuclear component of this request and have it back to me tomorrow?

Many Thanks!
Heather

From: King, Ryan (ENERGY)
Sent: August 9, 2011 2:32 PM
To: Nakahara, Ken (ENERGY); MacLeod, Heather (ENERGY); Bergman, Mark (ENERGY); Adkar, Samir (ENERGY); Sweet, Edward (ENERGY); King, Ryan (ENERGY)
Cc: Teixeira, Wanda (ENERGY); Norman, Jonathan (ENERGY); McKeever, Garry (ENERGY); Chapman, Tom (ENERGY); Devan, Jane (ENERGY); Bishop, Ceiran (ENERGY); Jobe, Cedric (ENERGY); Boutros, Mona (ENERGY); D'Mello, Savitha (ENERGY); Lolos, Katerina (ENERGY); MacCallum, Doug (ENERGY); Tully, Keegan (ENERGY); Jenkins, Allan (ENERGY); Cayley, Daniel (ENERGY)
Subject: FW: Notes for AMO

Hi everyone,

Here are the AMO issue notes for our review. Please note the revised deadline is now **Thursday at noon**.

- [Redacted] Unrelated content removed
- Natural Gas Plants (Edward)
- [Redacted] Unrelated content removed

Best,
Michael.

From: Cayley, Daniel (ENERGY)
Sent: August 9, 2011 2:02 PM
To: King, Ryan (ENERGY)
Cc: Smith, Mark (ENERGY)
Subject: Notes for AMO

Michael,

Sorry for the delay – attached are four AMO issue notes for review by staff (one is still pending and will be sent shortly and one was sent yesterday by Mark, for a total of six notes).

As discussed we will need to get these back by noon on Thursday.

Thanks,

Daniel Cayley
A/Issues Coordinator
Communications Branch
Ministries of Energy and Infrastructure
Office: (416) 212-3127
BB: (416) 347-4677
daniel.cayley@ontario.ca



Please consider the environment before printing this e-mail

Natural Gas Plants

ISSUE:

Why is the government moving ahead with gas-fired generation in communities where it isn't welcome?

SUGGESTED RESPONSE:

- These plants are needed to meet increasing local demand.
- New gas-fired generation facilities such as Goreway Station, Halton Hills, the Portlands Energy Centre, St. Clair Energy Centre and York Energy Centre will meet the need for new, clean, reliable power in areas of rapid growth.
- These facilities will provide homes and businesses with an increased security of supply and contribute to the government's goal of replacing coal-fired generation with cleaner sources of energy.
- Natural gas is much cleaner than coal, and enables coal closure which is the single largest climate change initiative in Canada -- equivalent to removing up to 7 million vehicles from our roads by the end of 2014.
- Gas-fired generation facilities are required to ensure the reliability of the electricity system during periods of peak demand. They complement the Province's nuclear and hydro facilities which provide baseload power.

Greenfield South (Mississauga):

- On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments.
- The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- The Greenfield South Power Plant is part of the overall plan to replace coal-fired generation by the end of 2014, and is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.

*For detailed history of Greenfield, see page 3.

Unrelated content
removed

Oakville Generating Station:

- As we developed the Long-Term Energy Plan, it became clear we no longer needed this plant in Oakville. With transmission investments we can keep the lights on and still shut down all dirty coal-fired generation.
- We are discussing the effect of that determination with TransCanada.

BACKGROUND:

- Natural gas is widely used for electricity generation worldwide. Benefits of natural gas electricity generation include the ability to quickly construct facilities in strategic locations to relieve transmission bottlenecks as well as the ability of generators to provide load following and peaking service during periods of high demand.
- Furthermore, compared to the average air emissions from coal-fired generation, natural gas produces half the CO₂ (carbon dioxide), less than a third of the nitrogen oxides (NO_x), and only 1% of the sulphur oxides at the power plant.
- New gas-fired generation facilities in Ontario perform two major roles within the electricity system: they address local reliability requirements (for example, the Portlands Energy Centre in Toronto's east end, and Goreway Station in Brampton); and they support the government's commitment to replace coal-fired generation (for example, the Greenfield Energy Centre and the St. Clair Power facility which are both located in the Sarnia area).
- The Ministry of Energy and the Ontario Power Authority have undertaken several procurements to contract for new gas-fired supply.

Status of New Gas-Fired Facilities:

Future In-Service Dates are **CONFIDENTIAL**

Project	Procurement Type	Size (MW)	Status	In-Service Date
Unrelated				
Unrelated content				
Unrelated content removed				
Unrelated content				
Greenfield South	CE	280.0	Approvals complete. Construction	Q3 2014
TransCanada Oakville Generating Station	GTA	900.0	Cancelled	NA
Kitchener-Waterloo-Cambridge-Guelph		450.0	Procurement direction not yet issued	TBD
TOTAL ONLINE		3702.6.1		
TOTAL		4825.6.6		

Greenfield South

Greenfield South Generating Station is a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. Part of the project's property will be dedicated to the City as greenbelt, and the plant will occupy roughly 2 hectares of the property.

Eastern Power Ltd. is an equity contributor to Greenfield South Power Corporation, and is responsible for the project's design, engineering, and management, and provides operations and maintenance support. No information is available on any other partners.

The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.

In XXXX, the plant was selected in the Ministry of Energy Clean Energy Supply competition and holds a contract with the OPA.

The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.

The project obtained environmental approval in 2008 from the Ministry of the Environment.

The City of Mississauga issued a building permit on May 31, 2011 for the building that will house the generation equipment.

The contract between Greenfield South and the Ontario Power Authority was renegotiated as a result of approvals delays, to extend the operational date. As of March 18, 2011, the OPA and Greenfield South have agreed to a new COD: Q3 2014.

Greenfield intends to proceed with the project and has previously indicated that they would pursue litigation if the City or the province moved to prevent the plant from being built.

Delays in the COD will exacerbate supply problems in the southwest GTA.

As of July 20th, the proponent reports that it has begun to lay the foundations for the gas and steam turbine halls. Purchase orders for all of the plant's major equipment including the turbines and generators have been placed.

Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding. On July 28th, the proponents held their first monthly local liaison meeting to help foster communication with local residents.

On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.

The Environmental Approval for the generating plant is specific to the site, and is not transferable.

Cayley, Daniel (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: August-10-11 9:22 AM
To: King, Ryan (ENERGY); Sweet, Edward (ENERGY)
Cc: Tully, Keegan (ENERGY)
Subject: RE: JoAnne Butler's presentation to Union Gas Customer Meeting

I don't have any problem with her referencing a KWC plant. It's in the LTEP and she is speaking to an industry group.

From: King, Ryan (ENERGY)
Sent: August 9, 2011 6:39 PM
To: Sweet, Edward (ENERGY)
Cc: Jenkins, Allan (ENERGY); Tully, Keegan (ENERGY)
Subject: FW: JoAnne Butler's presentation to Union Gas Customer Meeting
Importance: High

Hi Guys,

Please see below request – if have not already

Cheers,
Michael

From: Lewyckyj, Maryanna (ENERGY)
Sent: August 9, 2011 5:11 PM
To: King, Ryan (ENERGY)
Cc: MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); Perry, Ann (ENERGY); Cayley, Daniel (ENERGY); Cooper, Linda (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: FW: JoAnne Butler's presentation to Union Gas Customer Meeting
Importance: High

Can your area review the attached deck that OPA's JoAnne Butler is scheduled to present on Aug. 17.

In particular, Slide 11 says:

- New peaking plant in the Kitchener-Waterloo-Cambridge area

Should the OPA be discussing a "new peaking plant in the Kitchener-Waterloo-Cambridge area" when no directive has been issued and the Greenfield South plant is facing intense local opposition?

Maryanna Lewyckyj
Senior Communications Advisor
Ministry of Energy/Ministry of Infrastructure

W (416) 327-0390
Cell (416) 705-9736

From: Pat Finnegan [mailto:Pat.Finnegan@powerauthority.on.ca]
Sent: August 9, 2011 4:36 PM
To: Block, Andrew (ENERGY); Perry, Ann (ENERGY); Smith, Anne (ENERGY); Cayley, Daniel (ENERGY); Cooper, Linda (ENERGY); Olsheski, Mark (ENERGY); Lewyckyj, Maryanna (ENERGY); Kovesfalvi, Sylvia (ENERGY)

Cc: Colin Andersen; JoAnne Butler; Kristin Jenkins; Murray Campbell; Irene Mauricette; Brett Baker; Ruth Covich

Subject: JoAnne Butler's presentation to Union Gas Customer Meeting

Attached FYI are the slides JoAnne Butler will present at the next Wednesday's Union Gas Customer Meeting. If you have any comments after Friday, August 5, please forward them to Murray Campbell as I will be out of the office next week.

Regards,

Pat

Patricia Finnegan
Manager, Editorial Services
Ontario Power Authority
Phone: (416) 969-6393
Fax: (416) 967-1947
pat.finnegan@powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: August-10-11 10:47 AM
To: King, Ryan (ENERGY); Mozzon, Garret (ENERGY)
Subject: RE: Natural Gas Plants
Attachments: image001.gif; image002.gif; image003.gif; image004.gif; image005.gif; image006.gif

The five operating gas plants I gave you were all procured and contracted under this government, non-cogeneration. Brighton Beach was a privately developed generation only plant that was selling to the market but then given an "early movers" contract under this government. It wasn't included in my number.

The others are cogeneration. Portlands is listed twice here as it operated simple cycle before the combined cycle was completed.

From: King, Ryan (ENERGY)
Sent: August 10, 2011 10:13 AM
To: Mozzon, Garret (ENERGY)
Cc: Jenkins, Allan (ENERGY)
Subject: RE: Natural Gas Plants

Thanks Garret, Allan had you beat by a few mins.!

From: Mozzon, Garret (ENERGY)
Sent: August 10, 2011 10:12 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY)
Subject: Natural Gas Plants

In 5 minutes, this is the quickest summary I could find from the IESO website.

I would confirm with Allan beforehand.

11 gas plants according to this list.

http://www.ieso.ca/imoweb/media/md_supply.asp

New and Retired Generation Since the IESO Market Opened in May 2002

Ontario's electricity sector is going through a process of renewal – with the replacement of aging infrastructure and the transition to a more sustainable energy supply mix. Here's an overview of new or refurbished generation projects of 20 MW or more that have been commissioned onto the system since 2002. This table also includes coal units that have been retired as part of the government's plan to phase out coal by the end of 2014.

2003

 Pickering Unit 4	515 MW
 Bruce Unit 4	770 MW

2004

	Bruce Unit 3	782 MW
	Brighton Beach	580 MW
	Kirkland Lake	32 MW
	Beck and Kipling (Upgrades)	80 MW
2005		
	Pickering Unit 1	515 MW
	Lakeview (Retirement)	-1,130 MW
2006		
	Greater Toronto Airport Authority	117 MW
	Amaranth	68 MW
	Kingsbridge	40 MW
	Port Burwell	99 MW
	Prince Wind Project	99 MW
	Prince II Wind Project	90 MW
2007		
	Abitibi Canyon (Upgrades)	20 MW
	Ripley	76 MW
2008		
	Portlands Energy Centre (Simple Cycle)	394 MW
	Greenfield Energy Centre	1,153 MW
	Umbata Falls	24 MW
	Kruger Energy Port Alma (T1) Wind Project	101 MW
	Melancthon II	132 MW
2009		
	St. Clair Energy Centre	678 MW
	Portlands Energy Centre (Combined Cycle)	246 MW
	Goreway Station	942 MW

	Beck Unit 7 conversion	69 MW
	Beck 2 upgrades	68 MW
	Enbridge Ontario Wind Farm	182 MW
	Wolfe Island Wind Project	198 MW
	East Windsor Cogeneration	100 MW
2010		
	Thorold Cogeneration	287 MW
	Halton Hills Generating Station	705 MW
	Nanticoke and Lambton unit shutdowns	-2,000 MW
	Conversion of Fort Frances to biomass	47 MW
	Kruger Energy Chatham (T3) Wind Project	101 MW
2011		
	Gosfield Wind Project	50 MW
	Talbot Wind Farm	99 MW

Garret Mozzon
Ministry of Energy
(416) 325-6862
garret.mozzon@ontario.ca

Fisher, Petra (ENERGY)

From: Sweet, Edward (ENERGY)
Sent: August-10-11 2:05 PM
To: 'Jenkins, Allan (ENERGY)'
Cc: King, Ryan (ENERGY)
Subject: FW: AMO IN - Natural Gas Plants - Aug 9 2011 AJ.doc
Attachments: AMO IN - Natural Gas Plants - Aug 9 2011 AJ.doc

Hi Allan,

One thought about Greenfields South: Given the gov't has announced that Environment is undertaking a review, I think it wise to include that point in the table. Otherwise it looks as if the review has no potential to impact the outcome.
Edward

From: Jenkins, Allan (ENERGY)
Sent: August 10, 2011 11:46 AM
To: Sweet, Edward (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: AMO IN - Natural Gas Plants - Aug 9 2011 AJ.doc

Revised AMO gas note.

Natural Gas Plants

ISSUE:

Why is the government moving ahead with gas-fired generation in communities where it isn't welcome?

SUGGESTED RESPONSE:

- These plants are needed to meet increasing local demand.
- New gas-fired generation facilities such as Goreway Station, Halton Hills, the Portlands Energy Centre, St. Clair Energy Centre, York Energy Centre, and Greenfield South will meet the need for new, clean, reliable power in areas of rapid growth.
- These facilities will provide homes and businesses with an increased security of supply and contribute to the government's goal of replacing coal-fired generation with cleaner sources of energy.
- Natural gas is much cleaner than coal, and enables coal closure which is the single largest climate change initiative in Canada -- equivalent to removing up to 7 million vehicles from our roads by the end of 2014.
- Gas-fired generation facilities are required to ensure the reliability of the electricity system during periods of peak demand. They complement the Province's nuclear and hydro facilities which provide baseload power.

Greenfield South (Mississauga):

- The Greenfield South Power Plant is part of the overall plan to replace coal-fired generation by the end of 2014, and is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA
- On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments.
- The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- Greenfield South has all of the necessary permits to continue with construction while the review is in progress.

*For detailed history of Greenfield, see page 3.

Unrelated content
removed

[REDACTED]

[REDACTED]

Oakville Generating Station:

- As we developed the Long-Term Energy Plan, it became clear we no longer needed this plant in Oakville. With transmission investments we can keep the lights on and still shut down all dirty coal-fired generation.
- We are discussing the effect of that determination with TransCanada.

BACKGROUND:

- Natural gas is widely used for electricity generation worldwide. Benefits of natural gas electricity generation include the ability to quickly construct facilities in strategic locations to relieve transmission bottlenecks as well as the ability of generators to provide load following and peaking service during periods of high demand.
- Furthermore, compared to the average air emissions from coal-fired generation, natural gas produces half the CO₂ (carbon dioxide), less than a third of the nitrogen oxides (NO_x), and only 1% of the sulphur oxides at the power plant.
- New gas-fired generation facilities in Ontario perform two major roles within the electricity system: they address local reliability requirements (for example, the Portlands Energy Centre in Toronto's east end, and Goreway Station in Brampton); and they support the government's commitment to replace coal-fired generation (for example, the Greenfield Energy Centre and the St. Clair Power facility which are both located in the Sarnia area).
- The Ministry of Energy and the Ontario Power Authority have undertaken several procurements to contract for new gas-fired supply.

Status of New Gas-Fired Facilities:

Future In-Service Dates are **CONFIDENTIAL**

Project	Procurement Type	Size (MW)	Status	In-Service Date
Unrelated content removed				
Greenfield South	CE	280.0	Approvals complete. Under construction	Q3 2014
TransCanada Oakville Generating Station	GTA	900.0	Cancelled	NA
Kitchener-Waterloo-Cambridge-Guelph		450.0	Procurement direction not yet issued	TBD
TOTAL ONLINE		3702.6.1		
TOTAL		4825.6.6		

Greenfield South

Greenfield South Generating Station is a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. Part of the project's property will be dedicated to the City as greenbelt, and the plant will occupy roughly 2 hectares of the property.

Eastern Power Ltd. is an equity contributor to Greenfield South Power Corporation, and is responsible for the project's design, engineering, and management, and provides operations and maintenance support. No information is available on any other partners.

The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.

The plant was selected in the 2005 Ministry of Energy Clean Energy Supply competition and holds a contract with the OPA.

The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.

The project obtained environmental approval in 2008 from the Ministry of the Environment.

The City of Mississauga issued a building permit on May 31, 2011 for the building that will house the generation equipment.

The contract between Greenfield South and the Ontario Power Authority was renegotiated as a result of approvals delays, to extend the operational date. As of March 18, 2011, the OPA and Greenfield South have agreed to a new COD: Q3 2014.

Delays in the COD will exacerbate supply problems in the southwest GTA.

Greenfield intends to proceed with the project and has started construction.

As of July 20th, the proponent reports that it has begun to lay the foundations for the gas and steam turbine halls. Purchase orders for all of the plant's major equipment including the turbines and generators have been placed.

Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding. On July 28th, the proponents held their first monthly local liaison meeting to help foster communication with local residents. The meeting was contentious and required police action.

On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.

The Environmental Approval for the generating plant is specific to the site, and is not transferable.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: August-11-11 9:52 AM
To: Teixeira, Wanda (ENERGY)
Subject: FW: AMO IN - Natural Gas Plants - Aug 9 2011 AJ.doc
Attachments: AMO IN - Natural Gas Plants - Aug 9 2011 AJ.doc

Table is at the end of the document roughly

Line on Greenfield site is

"MOE conducting updated review of approvals"

From: Jenkins, Allan (ENERGY)
Sent: August 10, 2011 11:46 AM
To: Sweet, Edward (ENERGY)
Cc: King, Ryan (ENERGY)
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Revised AMO gas note.

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Fisher, Petra (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org >
Sent: August-12-11 12:23 PM
To: Write2us (ENERGY)
Subject: FW: Nanticoke option

From: Irene Wojcik Gabon [mailto:ir37@rogers.com]
Sent: Tuesday, August 09, 2011 11:13 PM
To: Duguid_Brad-MPP
Cc: Charles SOUSA (min); Frank Clegg; Stewart, John
Subject: Nanticoke option

Good evening Minister Duguid

I read an item in the local Mississauga News that you were going to look at Nanticoke and that is reproduced here for your information for verification as I find nothing in my massive records on power generating facilities specifically Oakville and Greenfield South projects, the former is dead, the latter should be but isn't. My records, which are government records and reports and newspaper clippings indicate that Nanticoke was looked at several years ago and it was not a feasible option. For Haldemand County which will soon face hundreds of job losses, due to Bicks pickles and US Steel takeover of Stelco, it would be a great job incentive, create jobs and keep the economy moving.

Also Marie Trainer lost the mayoral race in October, 2010.

The favour of a reply is respectfully requested.

Mrs. Irene Gabon
1569 Sunnycove Dr.
Mississauga, ON. L4X1B4
905 270 3494
ir37@rogers.com

Jim Tovey, Ward 1 Councillor

- |
- Aug 09, 2011 - 9:21 PM
- |
-

Not accurate

Dear Editor:

Re: "No alternative," letter to the editor, July 29 edition of *The News*.

The writer is not adequately informed on the issue.

He wrote that "Local politicians and the anti-electricity generation seem to be opposed to producing power in any form. They do not however, present any ideas for an alternative." This assertion is not accurate.

The Ontario Power Authority publicly identified the Nanticoke alternative in August of 2007. This option would see two coal generators converted to (gas-fired) units and the power then could be transmitted through an existing corridor to the southwest Greater Toronto Area.

Nanticoke is not densely populated.

Haldimand County Mayor Marie Trainor wants to convert Nanticoke to natural gas. A complete Nanticoke conversion could provide plenty of electricity for Mississauga.

Energy Minister Brad Duguid says he's looking at (Nanticoke as an) optio

Fisher, Petra (ENERGY)

From: Olsheski, Mark (ENERGY)
Sent: August-15-11 7:51 PM
To: Write2us (ENERGY)
Subject: Fw: Greenfield South Power Plant

Importance: High

For response pls. MO

From: Duguid_Brad-MPP-CO <bduguid.mpp.co@liberal.ola.org>
To: Olsheski, Mark (ENERGY)
Sent: Mon Aug 15 19:38:26 2011
Subject: FW: Greenfield South Power Plant

FYI.

*Heather Wray, Manager
Constituency Office for*

*Brad Duguid, MPP
Scarborough Centre
416-615-2183*

From: D Santarossa [mailto:den.santa@sympatico.ca]
Sent: August 15, 2011 11:09 AM
To: Duguid_Brad-MPP-CO
Subject: RE: Greenfield South Power Plant
Importance: High

Dear Hon. Doug Duguid,

RE: Greenfield South Power Plant

As a resident of Mississauga who also grew up in the neighbourhood just a few hundred metres north of the Greenfield South Power Plant site, I, along with many, many residents and business personnel in both Mississauga and Etobicoke, am immensely concerned and intensely opposed to the construction of this power plant on the chosen site! The site for this plant, as you are aware, is located in a densely populated area in extremely close proximity to residential neighbourhoods, condominiums, businesses, schools, Trillium Health Centre, a major shopping mall, Etobicoke Creek, etc. I query: Has the Minister ever physically visited the site? The emissions from this plant will compromise the health and threaten the safety of the citizens and natural environments in Mississauga, Etobicoke, and Toronto!

I have been in contact with the City of Mississauga and was informed that this matter must be addressed and stopped at the provincial level given the OMB's decision in the case of Greenfield South vs. Mississauga which

ordered the City to issue a building permit to Greenfield. The Minister of the Environment has stated that his ministry will be reviewing the Greenfield South power proposal regarding environmental issues and concerns, yet, construction has begun and continues. As per my telephone conversation with Donna Cansfield, MPP, she indicated that she has submitted a request to stop construction of the power plant during the review process. Could you kindly provide the status of this request? Also, as Resolved at a June Council meeting, the City of Mississauga has requested a Full Environmental Assessment to be conducted on the Greenfield South proposal taking into account the cumulative impacts of all emissions on the Etobicoke Lakeview airshed. Could you also kindly provide the status of this request? At the same meeting, the City of Mississauga also resolved to request that the Minister of Energy conduct a full review to determine the necessity of this power plant in a densely populated area as opposed to the Nanticoke alternative where there is a three kilometre buffer zone. Please also provide the status of this request. Given that the Ontario government cancelled the Oakville power plant project stating that the power capacity from this plant was no longer needed, the question remains: Why is the Greenfield South power plant needed?

It is my understanding that the Greenfield South Power Plant can only be cancelled by the Premier and Cabinet at this point. I trust that the health and welfare of the citizens and the natural environment will indisputably take precedence over lower project costs, and that as our elected government official you, along with the Premier and Cabinet, will cancel the Greenfield South Power Plant without further delay.

Sincerely,

Nadia Santarossa
Mississauga Resident

Cayley, Daniel (ENERGY)

From: Nutter, George (ENERGY)
Sent: August-16-11 1:44 PM
To: Lewyckyj, Maryanna (ENERGY); Cooper, Linda (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY); Cayley, Daniel (ENERGY)
Subject: RE: RE: IESO 18-Month Outlook briefing

Unrelated content removed

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca

From: Lewyckyj, Maryanna (ENERGY)
Sent: August 16, 2011 1:28 PM
To: Cooper, Linda (ENERGY); Nutter, George (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY); Cayley, Daniel (ENERGY)
Subject: RE: IESO 18-Month Outlook briefing
Importance: High

IESO held a briefing today at 11 a.m. for Ministry and MO staff on the next 18-Month Outlook report.

Unrelated content removed

Key findings and conclusions:

Unrelated content removed

- Transmission solutions are required to address growing load-servicing needs in a number of areas, particularly Kitchener-Waterloo-Cambridge-Guelph and the SW GTA (Greenfield South will help alleviate problems in SW GTA).

Unrelated content removed

Unrelated

Unrelated content removed

Unrelated content removed

Maryanna Lewyckyj
Senior Communications Advisor
Ministry of Energy/Ministry of Infrastructure

W (416) 327-0390
Cell (416) 705-9736

Fisher, Petra (ENERGY)

From: Jantzi, Brian (ENE)
Sent: August-18-11 2:20 PM
To: Smith, Ken E. (ENE); Havet, Ines (ENE); Boyd, Darcy (ENE); Cheng, Christina (ENE); Newdick, John (ENE)
Cc: Hardy, Elaine (ENE); MacCallum, Doug (ENERGY); Coates, David (ENE); Hutchison, John (ENE); Loi, Eric (ENE)
Subject: RE: Daily Issues Alert 08/08/11 Media clippings removed

Looks like Greenfield South plus this one, in addition to the Ford site, all cancelling out.

This site is several blocks due north of the Lakeview Generating Station site (the 8 old coal units and entire plant have been torn down).

Why not site all of the proposed new SW-GTA gas plants at the plants at Lakeview site?

Perhaps the Premier could apologize to the Mayor of Mississauga for the need to renege on his promise to not use the Lakeview site for power generation again. Pull back all the SW-GTA gas plants that are on the drawing boards, and announce they are all going to the Lakeview site.

I'm assuming OPG, and the Province, still owns the site. There could be contract change costs with proponents, but no reason why multiple owners-operators cannot co-exist on one integrated site – this is a new norm in the US.

Easy answer to NIMBY concerns that are slowing down the arrival of the generation that is needed to phase out of coal. Existing site is next to waterfront trail and a yacht club and a sewage treatment plant, rest of neighbours are mostly small industry.

Plus all the wires already go-come from there, easy add-on for the electricity system... since nothing is added on. The original capacity of Lakeview was 2400 MW, and it operated for ~10 years at 1200 MW capacity – so the wires/local system have the capacity for ~2000 MW+

Brian

Brian Jantzi, C.Chem. | Air Policy and Climate Change Branch | Ontario Ministry of the Environment | 77 Wellesley St. W., 10th-floor Ferguson Block, Toronto, ON M7A 2T5 | Tel: 416.212.4551 | Fax: 416.314.2979 | email: Brian.Jantzi@Ontario.ca | For urgent contact: (BB) 416.668.8541



Please consider the environment before printing this email

From: Byrne, Darius (ENE)
Sent: August 8, 2011 7:17 AM
Subject: Daily Issues Alert 08/08/11

MOE DAILY ISSUES ALERT

Monday, August 8, 2011

MOE related items:

- Mississauga neighbourhood opposed to Greenfield South plant. (Toronto Sun)
- Unrelated content removed

Cayley, Daniel (ENERGY)

From: Krstev, Viki (ENERGY)
Sent: August-19-11 4:07 PM
To: O'Donnell, Cheryl (ENERGY)
Subject: RE: IESO 18 month outlook meeting

Do you have the materials for me?

From: O'Donnell, Cheryl (ENERGY)
Sent: August 16, 2011 11:54 AM
To: Krstev, Viki (ENERGY)
Cc: Wilson, Betty (ENERGY)
Subject: IESO 18 month outlook meeting

Viki

I attended this meeting on John's behalf. Here are a few points (I will bring you the materials):



- two areas of the province show issues with transmission constraint - the KW-Cambridge-Guelph area (and the OPA is conducting an assessment of options to address the constraint) and the SW GTA may have a period of constraint in the summer of next year (Greenfield South will help alleviate some of the constraint but not all)

MO staff, DMO staff, COMMs staff, Gary McKeever, Ryan were all in attendance.

Cheryl O'Donnell
A/Manager, Agency Relations
Regulatory Affairs and Strategic Policy Division

Phone: 416-326-5752

Fisher, Petra (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org >
Sent: August-02-11 4:27 PM
To: Peters, Barry (ENERGY); Write2us (ENERGY)
Subject: FW: Etobicoke Power Plant construction- Community Meeting

From: katie collett [mailto:kcollett53@hotmail.com]
Sent: Monday, August 01, 2011 2:09 PM
To: anna.anderson@utoronto.ca; daphnekorczak@hotmail.com
Cc: Heather Emmerson; inescolucci@hotmail.com; kinga@thinkers.cx; j_levans@rogers.com; fullblast@sympatico.ca; monicakathrine@yahoo.com; nadia.douglas@gmail.com; r_ruddle@yahoo.com; yvonne.cheng@gmail.com; dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthomes@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; krawczyk123@hotmail.com; sarandipitous@rogers.com; stephaniennyilas@yahoo.ca; sstele001@sympatico.ca; vanessacarty@rogers.com; adrianna.bogris@gmail.com; aylin_ugur@hotmail.com; candace.freyseng@rogers.com; elenakontrec@yahoo.ca; royboyce@rogers.com; rrobyne_@hotmail.com; rbianchini@hotdocs.ca; smichaelis@rogers.com; tamara.miljevic@yahoo.ca; naranjov@yahoo.com; Broten_Laurel-MPP-CO; Sousa_Charles-MPP; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; councillor_holyday@toronto.ca; Duguid_Brad-MPP; jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca; andrew.pride@powerauthority.on.ca; derek.emerson@xpedx.com; d3748@rogers.com; rohn0562@rogers.com; aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca; news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca; globalnews.tor@globaltv.com; breakingnews@cp24.com
Subject: RE: Etobicoke Power Plant construction- Community Meeting

I have already sent a message stating our position opposing the power plant and my families' own reasons and views for our opposition. But, I would also like to state my full and wholehearted agreement with the statements made by Anna Anderson and family and Daphne Korczak and family (messages below). We will not provide support for any political figure who is involved in letting this project go through to completion.

Katie Gray and family

Residents of Markland Woods Community

Date: Fri, 29 Jul 2011 21:08:25 -0400
From: anna.anderson@utoronto.ca
To: daphnekorczak@hotmail.com
CC: oneeyeblicking@hotmail.com; inescolucci@hotmail.com; kcollett53@hotmail.com; kinga@thinkers.cx; j_levans@rogers.com; fullblast@sympatico.ca; monicakathrine@yahoo.com; nadia.douglas@gmail.com; r_ruddle@yahoo.com; yvonne.cheng@gmail.com; dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthomes@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; krawczyk123@hotmail.com; sarandipitous@rogers.com; stephaniennyilas@yahoo.ca; sstele001@sympatico.ca; vanessacarty@rogers.com; adrianna.bogris@gmail.com; aylin_ugur@hotmail.com; candace.freyseng@rogers.com; elenakontrec@yahoo.ca; royboyce@rogers.com; rrobyne_@hotmail.com; rbianchini@hotdocs.ca; smichaelis@rogers.com; tamara.miljevic@yahoo.ca; naranjov@yahoo.com; lbroten.mpp.co@liberal.ola.org; csousa.mpp@liberal.ola.org; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; councillor_holyday@toronto.ca; bduguid.mpp@liberal.ola.org; jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca;

andrew.pride@powerauthority.on.ca; derek.emerson@xpedx.com; d3748@rogers.com; rohn0562@rogers.com; aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca; news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca; globalnews.tor@globaltv.com; breakingnews@cp24.com

Subject: RE: Etobicoke Power Plant construction- Community Meeting

My request to participate in Thursday meeting was turned down. Why? Because I do not live close enough to the construction site.What?!

I really do not care if I do not reside in close proximity to the plant - our house is on the border between Mississauga and Etobicoke. My family is AGAINST this project. But nobody asks us((((The air is already heavily polluted in the city. This plant is going to be a heavy burden on our lungs. By-products of burning will slowly but surely ruin us and our children. I am so angry! I guess our family will have to move somewhere else in GTA. If it is the matter of election, the officials will not get my voice.

Anna Anderson and family.

Quoting Daphne Korczak <daphnekorczak@hotmail.com>:

>
> Dear elected officials, media and power authorities,
>
> How does this happen in a civilized society? A systematic assault
> on children and families, whose only crime is living in their homes
> (and paying high taxes and land transfer fees to do so) and
> breathing the air that their captors intend to use to pollute them?
> I thought Toronto was better than this.
>
> "The issue seems to be that there will be a cost associated with
> cancelling the PowerPlant's permits " - This is akin to a
> shoplifter refusing to turn himself in because he will have to give
> the stolen goods back! We paid for the cancellation of the island
> airport/bridge construction - a project that would not physically
> harm anybody...it was just noise and traffic...this is health and
> life-threatening disease. The permits should never have been
> granted in the first instance; using this error as an obstacle to
> doing the right thing is an unthinkable perversion of logic and
> ethics.
>
> Where are the investigative journalists?? Is a systematic
> application of terror not worth pursuing? Who is responsible? Who
> is accountable? We will find out.
>
> This issue will be pursued. Which side will you be on when it is?
>
> Do the right thing and cancel this project now.
>
>
> Daphne Korczak and family
>
>
>
>
>
>
> From: oneeyeblicking@hotmail.com
> To: anna.anderson@utoronto.ca; daphnekorczak@hotmail.com;
> inescolucci@hotmail.com; kcollett53@hotmail.com; kinga@thinkers.cx;
> j_levans@rogers.com; fullblast@sympatico.ca;

- > Donna Cansfield, MPP and Charles Sousa, MPP were among them and I'm
- > sure they're getting the message - the person who stops the
- > construction will get my vote. The issue seems to be that there
- > will be a cost associated with cancelling the PowerPlant's permits
- > and to that I ask: What price should we put on our health, our
- > children's health and the well being of the Etobicoke Creek habitat?
- > Keep up the pressure. HELP MAKE THIS AN ELECTION ISSUE. Please
- > forward the link to the petition to your friends to sign.
- >
- > <http://www.thepetitionsite.com/1/Stop-the-Queensway-Power-Plant/>
- > All the emails you need are on this message if you would like to
- > "Reply All" and make your opposition known as well. And here are
- > the communications links for the elected Ministers who require
- > public pressure to help them oppose the continued construction of
- > this dangerously irresponsible project.
- >
- >
- >
- > John Wilkinson, Minister of Environment
- > <http://www.ene.gov.on.ca/environment/en/main/contacts/minister/index.htmBrad>
- > Duguid, Minister of Energy –
- > <http://www.mei.gov.on.ca/en/about/index.php?page=contact-information>
- >
- >
- > For those looking for info about the power plant, check out Rogers
- > TV's recent program about the issue: <http://goo.gl/7WqN9>
- >
- > Cheers,
- >
- > Heather, Derek and baby Kira Emerson
- > 18 Fieldstone Rd., M9C 2J6
- > 416 621-5107
- >
- >
- >
- >
- >

Gibbs, Diana (ENERGY)

From: Olsheski, Mark (ENERGY)

Sent: August 22, 2011 1:52 PM

To: Write2us (ENERGY)

Subject: Re: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

c: RJ MC-2011-3433
=FYI
PC: General invitation to community rally against Mississauga gas plant.
s: GTA new supply

That sounds fine.

From: Write2us (ENERGY)

To: Olsheski, Mark (ENERGY)

Sent: Mon Aug 22 13:51:17 2011

Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

In that case, would you object if we FYI'd it and copied it to ESTDP?

From: Olsheski, Mark (ENERGY)

Sent: August 22, 2011 1:50 PM

To: Write2us (ENERGY)

Subject: Re: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Can process as an invitation - the Minister will not be attending though.

From: Write2us (ENERGY)

To: Duguid_Brad-MPP; Olsheski, Mark (ENERGY)

Sent: Mon Aug 22 13:46:45 2011

Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Hi Mark.

Do you want this processed as an invitation (i.e., sent for recommendation)?

Thanks,
Diana

Diana Gibbs

Correspondence Writer/Editor
Ministry of Energy and
Ministry of Infrastructure
880 Bay Street
2nd Floor
Toronto ON M7A 2C1
416-327-2485

From: Duguid_Brad-MPP [mailto:bduguid.mpp@liberal.ola.org]

Sent: August 22, 2011 1:23 PM

08/22/2011

To: Olsheski, Mark; Write2us (ENERGY)

Subject: FW: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

?

From: Greg Rohn [mailto:greg@gmdwholesale.com]

Sent: Thursday, August 18, 2011 3:31 PM

To: Duguid_Brad-MPP

Subject: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

August 18, 2011

Mississauga and Etobicoke Residents to Hold Community Rally Against Sherway Power Plant

You are formally invited to attend our meeting on Thursday, September 15 at 7pm. We hope to see you there.

DATE: Thursday, September 15, 2011

LOCATION: Le Treport Convention Centre, 1075 Queensway East (just west of Stanfield Road) in Mississauga

TIME: Program will start at **7:00 p.m.** Demonstration outside the Hall from **6:00 p.m.**

All local politicians from Mississauga and Etobicoke, the Ministers (Energy, Environment and Health) involved in this project and Premier Dalton McGuinty, are invited to attend. Speakers will include members of CHIP, experts in the field and members of other organizations who have fought similar battles including MIRANET (Mississauga Residents' Associations Network). We hope you will also be able to briefly address the citizens as well. This will be the prime opportunity for concerned residents to get more information and to voice their concerns to those who have the power to stop the construction.

CHIP (Coalition of Homeowners for Intelligent Power) represents over 14,000 homes in East Mississauga and Etobicoke. We have been working for almost 8 years in opposition to the proposed natural gas power plant now under construction by Eastern Power, on Loreland Ave. in Mississauga.

The Sherway power plant is in the wrong location. The Liberal Government recently cancelled another gas plant in Oakville, under heavy pressure from residents. The reasons for the cancellation of the Oakville plant, all hold true in relation to the Sherway plant. It sits adjacent to the Trillium Hospital and Dorothy Ley Hospice, as well as Sherway Gardens, the new condos at Sherway, local schools, businesses and 1000's of residential homes – the closest homes are 100m away! The sensitive Etobicoke Creek watershed and a major rail line are right beside the plant. The plant will also contribute to an already over-taxed air shed which includes other industry, several major highways and is under the airport flight paths. The Lakeview - Etobicoke air shed requires cumulative standards for air emissions – there is no room for a power plant.

For more information please contact **Greg Rohn** – Interim Chair of CHIP @ greg@gmdwholesale.com or by phone 647-388-0562.

Best regards,
Greg Rohn
Interim Chair – CHIP

www.chipcanada.org

www.facebook.com/StopTheSherwayPowerPlant

08/22/2011



Ministry of Energy

Director's Correspondence Approval Form

Log No: **DRC-2011-3312**

Type of Correspondence:

Action Required:

- ☒ Letter/e-mail
☐ Social Invitation
☐ Letter of Greetings/Regrets

- ☐ Draft response letter for Director's signature
☒ Draft response e-mail for Director's signature
☐ Draft response letter for ADM's approval

From: ☐ MPP ☒ General Public ☐ Stakeholders

Standard Update req'd ☒
 New Standard req'd ☐

Incoming Letter From: Mrs. Irene Gabon

Subject: GTA New Supply

Due to Dir.: Aug.23, 2011

Author: Allan Jenkins, Energy Markets

Date	Assigned To	Description
Aug. 16/11	Allan Jenkins	PLS DRAFT RESPONSE

Comments

Approved by:	Date Sent for Approval/Signature	Signature & Date Approved (dd/mm/yy)	Signature & Date Rejected (dd/mm/yy)
Director			
ADM as required			
Comm. Dir as required.			
Deputy Minister as required			
Minister's Office as required			

bc: ☐ ADM/EA
☐ Director
☐ Author

Copy: No
 Enclosure: No
 Revision: ☐

ir37@rogers.com

Dear Mrs. Gabon:

Thank you for your email requesting information on the subject of conversion of Nanticoke Generating Station units to fire on natural gas.

Councilor Tovey is correct in that Ontario Power Generation is examining the feasibility of converting two units at Nanticoke to fire on natural gas. The possibility of conversion for system reliability purposes was identified in Ontario's Long Term Energy Plan. No decision has been made to proceed with conversion at this time.

Your information is also correct in that conversion of Nanticoke to natural gas has been previously studied and rejected. Electricity system planning is a continuous process and plans change with time as technologies advance and availability and costs of various forms of generation change.

Natural gas is now available at a much lower cost and future availability is projected to be much greater than before, making conversion somewhat more economical than the previous study indicated.

Having said this, conversion is still a relatively expensive option for other than peak generation purposes, and converted coal units are much less efficient and produce higher emissions than the combined cycle generating stations

The Councilor is not correct in asserting that converting the Nanticoke units is a solution for producing power for the South West GTA. If converted, Nanticoke GS would be run as a peaking plant, to stabilize power in its region of the grid, while minimizing the cost and impacts of the generation. In comparison to the combined cycle generating stations located within the SWGTA, Nanticoke would be too costly and have too high an impact on the environment to run to the extent needed to provide reliable power to the SWGTA.

I trust you will find this information helpful, and thank you for writing.

Allan Jenkins
Senior Policy Specialist
Energy Markets

Fisher, Petra (ENERGY)

From: Adkar, Samir (ENERGY)
Sent: August-23-11 2:34 PM
To: Chow, Tiffany (ENERGY); Balashov, Dmitry (ENERGY)
Subject: FW: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Attachments: 18-Month Outlook QAs 20110823 1410h ML-dc.doc

Importance: High

Could you please review/edit QAs and take a look at the outlook report itself. For tomorrow morning.

Tiffany, please take a look at all the GTA/SWGTA stuff.

Thanks.

From: King, Ryan (ENERGY)
Sent: August 23, 2011 2:20 PM
To: Chapman, Tom (ENERGY); Jenkins, Allan (ENERGY); Jobe, Cedric (ENERGY); Adkar, Samir (ENERGY)
Subject: FW: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Importance: High

Can you please review the attached QA and let me know of any edits for tomorrow morning?

Thanks,
Ryan

From: Lewyckyj, Maryanna (ENERGY)
Sent: August 23, 2011 2:18 PM
To: King, Ryan (ENERGY); Collins, Jason R. (ENERGY); Krstev, Viki (ENERGY)
Cc: Cayley, Daniel (ENERGY); Smith, Mark (ENERGY); Cooper, Linda (ENERGY); Nutter, George (ENERGY); Kulendran, Jesse (ENERGY)
Subject: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Importance: High

Attached are ministry QAs for the IESO 18-Month Outlook report.

Could you review and provide feedback/revisions by noon tomorrow?

Jason/Viki: Not sure there is much (if anything) for your areas to review.

Maryanna Lewyckyj
Senior Communications Advisor
Ministry of Energy/Ministry of Infrastructure

W (416) 327-0390
Cell (416) 705-9736

IESO 18-Month Outlook QAs

August 23, 2011

Authors: Maryanna Lewyckyj/Daniel Cayley, IESO

Last update: Aug. 23, 2:10 p.m.

Unrelated
content
removed

- [Redacted]
- [Redacted]
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- [Redacted]
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Unrelated content
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Unrelated content removed

Unrelated content
removed

Why does Ontario continue to add supply – particularly in residential areas like Mississauga that clearly don't want a power plant – when demand is falling?

Our supply challenges are about more than meeting demand. It's also about renewing our supplies and shifting to more sustainable forms of generation. We also need new facilities to support the replacement of coal-fired generation and replace aging facilities. More than half of the province's current generating capacity will reach its end of life by 2025.

The Greenfield South Power Plant is part of the overall plan to eliminate coal-fired generation by the end of 2014.

The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.

On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.

For Internal Use Only – Not for distribution

Is the Greenfield South power plant intended to replace the cancelled Oakville Generating Station?

The Greenfield South Power Plant has been in development since 2005 and its development is unrelated to the cancellation of the Oakville Generating Station.

The southwest GTA requires additional power capacity

Greenfield South is part of the solution. In addition to this plant, the OPA is also looking at transmission options for the Southwest GTA.

What's the situation like in the Southwest GTA?

Over the last few years the southwest GTA demand experienced moderate growth, compared to the higher growth seen in the previous decade, resulting in adequate supply margins still being available under normal conditions.

However, to maintain reliability of supply under extreme conditions in the area, transmission solutions are now being considered. Until a transmission solution is in place some mitigating measures may be required under extreme conditions if local transmission elements become unavailable.

Unrelated
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Comment [11]: Unrelated

Unrelated content removed

[REDACTED]

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Unrelated content removed

Miscellaneous

The report says: “under extreme conditions, mitigating actions may be required for load security in the southwest greater Toronto area (GTA) if local transmission elements become unavailable.” What are the potential extreme conditions and what mitigating actions might occur?

These control actions refer to load transfers, voltage reductions or manual load curtailments in the extreme case of multiple transmission outages.

Unrelated content removed

Fisher, Petra (ENERGY)

From: Adkar, Samir (ENERGY)
Sent: August-23-11 2:41 PM
To: Chow, Tiffany (ENERGY)
Subject: FW: SWGTA

From: Bishop, Ceiran (MEI)
Sent: May 12, 2011 12:27 PM
To: Kulendran, Jesse (MEI)
Cc: Norman, Jonathan (MEI); Adkar, Samir (MEI); King, Ryan (MEI)
Subject: SWGTA

Jesse –Jon F was asking about regarding the interplay of Greenfield South gas project and SWGTA line work.

Joe confirms that even if the gas plant doesn't go forward in the next few months for some reason, the joint study with utilities wouldn't be required until early next year. These joint studies are not high profile public consultations, but rather meetings and other collaboration with the utilities themselves.

Ceiran

Current Messaging (assumes Greenfield South is proceeding)

A local transmission solution is needed to maintain reliability and security of supply in the Southwestern GTA. The commissioning of the Greenfield South project can help to defer -- but not replace -- the need for this solution. The length of deferral will depend on load growth rates and other factors, but could be a few years. According to current estimates, a solution will be required early next decade.

Any solution will involve substantial public consultation. Due to the timing of the need, these consultations are not required in the near term.

Reinforcement of the bulk transmission system in the western GTA, particularly in the Milton area, is still required. These projects will be discussed within the Integrated Power System Plan and other regulatory processes.

From: Joe Toneguzzo [mailto:Joe.Toneguzzo@powerauthority.on.ca]
Sent: May 11, 2011 3:23 PM
To: Bishop, Ceiran (MEI)
Subject: RE: cliffs, ROF, etc

Hello Ceiran;

Regarding your SWGTA question related to Greenfield south.

Our studies show that the need date without Greenfield South is 2017. Therefore even without this local generator, there is no need to start a joint study with utilities in the area before the beginning of next year.

Also, as I mentioned we are investigating a possible reconnection of Horner TS from the Manby West 230 kV supply to the Manby East 230 kV supply. This is minor line termination work, performed immediately north of the Manby station, on the right of way. No residential or commercial buildings anywhere near-by. This minor work is expected to stretch this need date even further into the future and could have some near term operational benefits, such as minimizing operator actions during contingencies and increasing load transfer capability from Leaside to Manby.

Let me know if you would like to discuss further – Joe



Ministry of Energy

Director's Correspondence Approval Form

Log No: **DRC-2011-3354**

Type of Correspondence:

- ☒ Letter/e-mail
☐ Social Invitation
☐ Letter of Greetings/Regrets

Action Required:

- ☐ Draft response letter for Director's signature
☒ Draft response e-mail for Director's signature
☐ Draft response letter for ADM's approval

From: ☐ MPP ☒ General Public ☐ Stakeholders

Standard Update req'd ☒

New Standard req'd ☐

Incoming Letter From: Ms Nadia Santarossa

Subject: GTA New Supply

Due to Dir.: Aug.24/11

Author: Allan Jenkins, Energy Markets

Date	Assigned To	Description
August 19/11	Allan Jenkins	PLS DRAFT RESPONSE

Comments

Approved by:	Date Sent for Approval/Signature	Signature & Date Approved (dd/mm/yy)	Signature & Date Rejected (dd/mm/yy)
Director			
ADM as required			
Comm. Dir as required.			
Deputy Minister as required			
Minister's Office as required			

bc: ☐ ADM/EA
☐ Director
☐ Author

Copy: No
Enclosure: No
Revision: ☐

den.santa@sympatico.ca

Dear Ms Santarossa:

Your email concerning the Greenfield South Generating Station has been forwarded to me for response.

Please understand that the Government of Ontario has set health, safety and environmental protection for individuals and communities as top priorities in the development of Ontario's electrical system.

The Greenfield South plant is replacing generation from the Lakeview coal plant and other coal plants which had a much higher health and environmental impact on your neighbourhood than the new gas plant.

The need for reliable supply to your community remains, and the combined cycle gas generation technology to be used at Greenfield South is the cleanest form of reliable generation available. The impact of the plant operation will be much less than other neighbourhood sources such as furnaces, vehicles, barbeques and yard equipment.

With respect to your concern about the environmental review process, Greenfield South's environmental report was subjected to a rigorous public and Ministry of the Environment review. Before any approvals were issued significant design and operational improvements were made to reduce environmental impact further.

While normally companies are only required to meet the standards and conditions that were applicable at the time the approvals were issued, the Ministry of the Environment is taking the unusual step to review the environmental impact of Greenfield South again to ensure that the plant meets or better the current standards and conditions.

Gas and other fuelled generation facilities are commonly located and have operated safely within communities around the world, some large plants less than 200 meters from residences and other occupied buildings. Gas generation facilities at smaller scales are often attached to hospitals, to provide uninterrupted power.

Ontario's gas safety standards are very high and gas generating facilities are built and operated to the highest standards, so that they have proven to be of very low risk.

I understand that you will continue to have concerns about Greenfield South; this is common in many communities when generating facilities have been introduced. This happened, for example, when Toronto's Portlands Energy Centre, a 550 MW gas generating plant, was being planned and built. Portlands has now operated for several years without complaint or concern expressed by the local community, and it has become a destination for plant tours by the public.

I trust you will find this information helpful, and thank you for writing.

Allan Jenkins
Senior Policy Specialist
Energy Markets

Fisher, Petra (ENERGY)

From: Adkar, Samir (ENERGY)
Sent: August-24-11 11:18 AM
To: King, Ryan (ENERGY)
Subject: RE: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Attachments: 18-Month Outlook QAs 20110823 1410h ML-dc - tx edits.doc

Ryan, minor edits attached

Samir

From: King, Ryan (ENERGY)
Sent: August 24, 2011 9:58 AM
To: Chapman, Tom (ENERGY); Adkar, Samir (ENERGY); Jobe, Cedric (ENERGY)
Subject: FW: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Importance: High

Just a reminder to please provide any edits this morning.
Thanks

From: King, Ryan (ENERGY)
Sent: August 23, 2011 2:20 PM
To: Chapman, Tom (ENERGY); Jenkins, Allan (ENERGY); Jobe, Cedric (ENERGY); Adkar, Samir (ENERGY)
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Cc: Cayley, Daniel (ENERGY); Smith, Mark (ENERGY); Cooper, Linda (ENERGY); Nutter, George (ENERGY); Kulendran, Jesse (ENERGY)
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Ministry of Energy/Ministry of Infrastructure

W (416) 327-0390
Cell (416) 705-9736

IESO 18-Month Outlook QAs
August 23, 2011
Authors: Maryanna Lewyckyj/Daniel Cayley, IESO
Last update: Aug. 23, 2:10 p.m.

Unrelated

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What's the situation like in the Southwest GTA?

Over the last few years the southwest GTA demand experienced moderate growth, compared to the higher growth seen in the previous decade, resulting in adequate supply margins still being available under normal conditions.

However, [load growth is continuing in the Southwest GTA](#). To maintain reliability of supply under extreme conditions in the area, transmission solutions are now being considered. Until a transmission solution is in place some mitigating measures may be required under extreme conditions if local transmission elements become unavailable.

Unrelated



Unrelated content removed

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For Internal Use Only – Not for distribution

Unrelated content removed

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Comment [1]: [REDACTED]

Unrelated content removed

Miscellaneous

The report says: “under extreme conditions, mitigating actions may be required for load security in the southwest greater Toronto area (GTA) if local transmission elements become unavailable.” What are the potential extreme conditions and what mitigating actions might occur?

These control actions refer to load transfers, voltage reductions or manual load curtailments in the extreme case of multiple transmission outages.

Comment [m2]: Sounds like a reasonable response. What is the source of this information?

Unrelated content removed

Fisher, Petra (ENERGY)

From: Jobe, Cedric (ENERGY)
Sent: August-24-11 12:16 PM
To: Anam, Zobair (ENERGY)
Subject: FW: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Attachments: 18-Month Outlook QAs 20110823 1410h ML-dc.doc

Importance: High


Unrelated content removed



From: King, Ryan (ENERGY)
Sent: August 24, 2011 12:00 PM
To: Jobe, Cedric (ENERGY)
Cc: MacLeod, Heather (ENERGY)
Subject: FW: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Importance: High

Unrelated content removed











Unrelated content removed

From: King, Ryan (ENERGY)
Sent: August 24, 2011 9:58 AM
To: Chapman, Tom (ENERGY); Adkar, Samir (ENERGY); Jobe, Cedric (ENERGY)
Subject: FW: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Importance: High

Unrelated content removed

From: King, Ryan (ENERGY)
Sent: August 23, 2011 2:20 PM
To: Chapman, Tom (ENERGY); Jenkins, Allan (ENERGY); Jobe, Cedric (ENERGY); Adkar, Samir (ENERGY)
Subject: FW: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs
Importance: High

Unrelated content removed

From: Lewyckyj, Maryanna (ENERGY)

Sent: August 23, 2011 2:18 PM

To: King, Ryan (ENERGY); Collins, Jason R. (ENERGY); Krstev, Viki (ENERGY)

Cc: Cayley, Daniel (ENERGY); Smith, Mark (ENERGY); Cooper, Linda (ENERGY); Nutter, George (ENERGY); Kulendran, Jesse (ENERGY)

Subject: REVIEW REQ'D BY NOON TOMORROW -- IESO 18-Month Outlook QAs

Importance: High

Unrelated content removed

Maryanna Lewyckyj
Senior Communications Advisor
Ministry of Energy/Ministry of Infrastructure

W (416) 327-0390
Cell (416) 705-9736

IESO 18-Month Outlook QAs
August 23, 2011
Authors: Maryanna Lewyckyj/Daniel Cayley, IESO
Last update: Aug. 23, 2:10 p.m.

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[REDACTED]

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[REDACTED]

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For Internal Use Only – Not for distribution

Unrelated content removed

Why does Ontario continue to add supply – particularly in residential areas like Mississauga that clearly don't want a power plant – when demand is falling?

Our supply challenges are about more than meeting demand. It's also about renewing our supplies and shifting to more sustainable forms of generation. We also need new facilities to support the replacement of coal-fired generation and replace aging facilities. More than half of the province's current generating capacity will reach its end of life by 2025.

The Greenfield South Power Plant is part of the overall plan to eliminate coal-fired generation by the end of 2014.

The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.

On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.

For Internal Use Only – Not for distribution

Is the Greenfield South power plant intended to replace the cancelled Oakville Generating Station?

The Greenfield South Power Plant has been in development since 2005 and its development is unrelated to the cancellation of the Oakville Generating Station.

The southwest GTA requires additional power capacity

Greenfield South is part of the solution. In addition to this plant, the OPA is also looking at transmission options for the Southwest GTA.

What's the situation like in the Southwest GTA?

Over the last few years the southwest GTA demand experienced moderate growth, compared to the higher growth seen in the previous decade, resulting in adequate supply margins still being available under normal conditions.

However, to maintain reliability of supply under extreme conditions in the area, transmission solutions are now being considered. Until a transmission solution is in place some mitigating measures may be required under extreme conditions if local transmission elements become unavailable.

Unrelated
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For Internal Use Only – Not for distribution

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Comment [1]: [REDACTED]

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[REDACTED]

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For Internal Use Only – Not for distribution

Unrelated content removed

Miscellaneous

The report says: “under extreme conditions, mitigating actions may be required for load security in the southwest greater Toronto area (GTA) if local transmission elements become unavailable.” What are the potential extreme conditions and what mitigating actions might occur?

These control actions refer to load transfers, voltage reductions or manual load curtailments in the extreme case of multiple transmission outages.

Unrelated content removed

Fisher, Petra (ENERGY)

From: Tully, Keegan (ENERGY)
Sent: August-25-11 11:18 AM
To: Jenkins, Allan (ENERGY)
Subject: RE: Transition Briefing Decks - Due Friday Aug 25
Attachments: Transition - New Natural Gas-Fired Generation.ppt

Here is the latest version including a bullet on how gas fits in.

Keegan

From: Jenkins, Allan (ENERGY)
Sent: August 25, 2011 10:53 AM
To: Tully, Keegan (ENERGY)
Subject: RE: Transition Briefing Decks - Due Friday Aug 25

Yes it does, as does GS. Looks good – I won't be able to look at it in detail until this afternoon Re your original email on how gas fits in, I suggest adding a bullet that natural gas plants are being added at relatively low cost to provide a reliable source of flexible generation that helps replace coal and supports the addition of intermittent renewable generation

From: Tully, Keegan (ENERGY)
Sent: August 25, 2011 10:29 AM
To: Jenkins, Allan (ENERGY)
Subject: RE: Transition Briefing Decks - Due Friday Aug 25

Here is the updated deck. My impression is that YEC has all its approvals, I hope that is correct.

Keegan

From: Jenkins, Allan (ENERGY)
Sent: August 24, 2011 12:06 PM
To: Tully, Keegan (ENERGY)
Subject: FW: Transition Briefing Decks - Due Friday Aug 25
Importance: High

Keegan,

Could you start a deck on the gas plants requested using the template provided? (Use the password Florence to view the table)

First page could be a background on the OPA gas plants procured listing those that are built and in operation, then a page on each of the YEC and GS – timelines and contentious issues. I can do TransCanada. Note Friday afternoon deadline for sending up.

Thanks.

From: King, Ryan (ENERGY)
Sent: August 22, 2011 9:14 AM
To: Bergman, Mark (ENERGY); Nakahara, Ken (ENERGY); Jenkins, Allan (ENERGY); Adkar, Samir (ENERGY); Jobe, Cedric (ENERGY)

Cc: MacCallum, Doug (ENERGY); Chapman, Tom (ENERGY); McKeever, Garry (ENERGY); Norman, Jonathan (ENERGY); King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Subject: Transition Briefing Decks - Due Friday Aug 25
Importance: High

Unrelated content removed



Thanks,
Ryan

From: Cross, Annamaria (ENERGY)
Sent: August 19, 2011 2:05 PM
To: King, Ryan (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY)
Cc: Kulendran, Jesse (ENERGY); Nutter, George (ENERGY); Carson, Cheryl (ENERGY); Sermat-Harding, Kaili (ENERGY)
Subject: ENERGY-transition_temp - Aug 19.ppt

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Thanks
Anna

New Natural Gas-Fired Generation

Prepared By: Energy Supply, Transmission and Distribution Policy Division
Date: August 25, 2011

Overview

- This briefing will provide details on natural gas-fired electricity generation procured by the Ontario Power Authority (OPA).
- Natural gas-fired generators have a relatively low cost compared to other sources of generation. They provide a reliable supply of electricity that helps replace coal-fired generation and integrate intermittent renewable generation.
- The OPA has been directed to procure 5,277 megawatts (MW) of new natural gas-fired generation capacity of which 4,154 MW is already operating.
- The 280 MW Greenfield South facility in Mississauga and 393 MW York Energy Centre in King Township are under construction and have faced opposition from local municipalities and residents.
- TransCanada

Ontario Power Authority Procurements

Project	Location	Size (MW)	Status	In-service Date
Unrelated content removed				
Greenfield South	Mississauga	280.0	Construction	Q3 2014
TransCanada Oakville	Oakville	900.0	Cancelled	Not Applicable
Kitchener-Waterloo-Cambridge-Guelph	To be determined	450.0	Procurement direction not yet issued.	To be determined
Total Online		4,153.9		
Total		5,276.9		

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Greenfield South

- Greenfield South is located in Mississauga. It is in the early stages of construction and major equipment has been ordered.
- The project's approval was delayed due to City of Mississauga opposition at the Environmental Approval and building permitting stages. As a result, the facility's contract was renegotiated to extend the operational date to the third quarter of 2014.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding.
- The Ministry of the Environment is conducting an updated review of the approval for the Greenfield South facility to assess recent developments. There is no fixed timeline for this review.

TransCanada

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Gibbs, Diana (ENERGY)

From: Irene Wojcik Gabon [ir37@rogers.com]
Sent: August 25, 2011 12:48 PM
To: Write2us (ENERGY)
Cc: Irene Gabon
Subject: Re: Conversion of Nanticoke Generating Station units

Add to file
 DEC-2011-3312(2)
 Additional incoming

Dear Mr Jenkins,

Your response certainly clarifies some statements made and my queries on the Nanticoke situation and whether or not a conversion to natural gas would be a solution to the energy needed here in the SWGTA. For this time you have spent, I thank you.

Now can you please tell me what is Exhibit "E" ?

Much to learn.

Irene Gabon, Mississauga.

----- Original Message -----

From: Write2us (ENERGY)
To: ir37@rogers.com
Sent: Thursday, August 25, 2011 11:37 AM
Subject: Conversion of Nanticoke Generating Station units

Dear Mrs. Gabon:

Thank you for your email requesting information on the subject of conversion of Nanticoke Generating Station units to fire on natural gas.

Councilor Tovey is correct in that Ontario Power Generation is examining the feasibility of converting two units at Nanticoke to fire on natural gas. The possibility of conversion for system reliability purposes was identified in Ontario's Long Term Energy Plan. No decision has been made to proceed with conversion at this time.

Your information is also correct in that conversion of Nanticoke to natural gas has been previously studied and rejected. Electricity system planning is a continuous process and plans change with time as technologies advance and availability and costs of various forms of generation change.

Natural gas is now available at a much lower cost and future availability is projected to be much greater than before, making conversion somewhat more economical than the previous study indicated.

Having said this, conversion is still a relatively expensive option for other than peak generation purposes, and converted coal units are much less efficient and produce higher emissions than the combined cycle generating stations

The Councilor is not correct in asserting that converting the Nanticoke units is a solution for producing power for the South West GTA. If converted, Nanticoke GS would be run as a peaking plant, to stabilize power in its region of the grid, while minimizing the cost and impacts of the generation. In comparison to the combined cycle generating stations located within the SWGTA, Nanticoke would be too costly and have too high an impact on the

08/25/2011

environment to run to the extent needed to provide reliable power to the SWGTA.

I trust you will find this information helpful, and thank you for writing.

Allan Jenkins
Senior Policy Specialist
Energy Markets

08/25/2011

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: August-26-11 3:54 PM
To: Cross, Annamaria (ENERGY)
Subject: Transition - New Natural Gas-Fired Generation (Aug 26)Final.ppt
Attachments: Transition - New Natural Gas-Fired Generation (Aug 26)Final.ppt

Hi Ann,
Attached is the revised Natural Gas transition deck with input from Legal.

New Natural Gas-Fired Generation

Prepared By: Energy Supply, Transmission and Distribution Policy Division
Date: August 26, 2011

Overview

- This briefing will present the status of natural gas generating facilities that have been procured and are under contract to the OPA.
- Natural gas-fired generation has a relatively low cost compared to most other sources of new generation. The large natural gas generation facilities can be dispatched to provide power when it is needed. Natural gas is helping to replace coal-fired generation and integrate intermittent renewable generation leading to lower carbon emissions from Ontario's electricity mix
- Through various Ministerial directions, the OPA has procured 5,277 megawatts (MW) of new natural gas-fired generation capacity of which 4,154 MW is already operating. The OPA has indicated a need to procure one additional new plant of approximately 450 MW in the Kitchener-Waterloo-Cambridge area.
- Four plants located in the GTA have been the subject of strong local municipal and public opposition. Portlands Energy Centre in Toronto has been built and operating for several years and is no longer contentious.
- There have been calls and proposals made to provincially regulate the siting of plants in response to local opposition to new gas generation.

Ontario Power Authority Gas Plant Procurements

Project	Location	Size (MW)	Status	In-service Date
Unrelated content removed				
Greenfield South	Mississauga	280.0	Construction	Q3 2014
TransCanada Oakville	Oakville	900.0	Cancelled	Not Applicable
Kitchener-Waterloo-Cambridge-Guelph	To be determined	450.0	Procurement direction not yet issued.	To be determined
Total Online		4,153.9		
Total		5,276.9		

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- [REDACTED]
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Contentious Plants - Greenfield South

- Greenfield South is a 280 MW combined cycle gas fired generating plant that was procured through a 2005 competition conducted by the Ministry of Energy and the contract is now managed by the OPA
- The plant is located in southern Mississauga near the Etobicoke border. The plant is only now under construction as a result of several municipal and other permitting delays.
- The project's approval was delayed due to City of Mississauga opposition at the Environmental Approval and building permitting stages. As a result, the facility's contract was renegotiated to extend the operational date to the third quarter of 2014.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- The Ministry of the Environment is conducting an updated review of the approval for the Greenfield South facility to assess recent developments. There is no fixed timeline for this review.

TransCanada Agreement (tentative CONFIDENTIAL)

- On September 30, 2009, the Ontario Power Authority announced that it would sign a contract with TransCanada Corporation to design, build and operate a 900 MW electricity generating station in Oakville. TransCanada estimated the cost of the plant at \$1.2 billion.
- On October 7, 2010, the government announced that the plant would not proceed.
- TransCanada, the Province and the OPA have signed an arbitration agreement related to the termination of the Oakville Generating Station project. The arbitration sets out the framework for the determination of the reasonable damages which TCE is entitled as a result of the termination of the contract.
- TransCanada, Infrastructure Ontario, OPG, and Ministries of Energy and Finance are seeking to negotiate non-financial options for settling the dispute that could include the transfer of assets or project development opportunities. The negotiations are ongoing.
- In the event an alternative agreement is not achievable, TransCanada would be able to pursue arbitration under the agreement set out.

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: August-26-11 5:00 PM
To: King, Ryan (ENERGY)
Subject: RE: Transition - New Natural Gas-Fired Generation (Aug 26)estdp.ppt

Thanks – that makes more sense to me. For clarity, could we say, “Some groups have asked the province to provincially regulate...” When I read “There have been calls and proposals, I wonder who is asking, so I’m trying to address that question.

Carolyn

From: King, Ryan (ENERGY)
Sent: August 26, 2011 3:29 PM
To: Calwell, Carolyn (ENERGY)
Subject: RE: Transition - New Natural Gas-Fired Generation (Aug 26)estdp.ppt

Hi Carolyn,

Thanks for the response. The 5th bullet is referring to a private members bill –it was a proposal but was not adopted but I agree it looks a bit misleading. Because we speak about Oakville in the Transcanada slide, perhaps we can keep it more high level and say for that last bullet

- There have been calls and proposals made to provincially regulate the siting of plants in response to local opposition to new gas facilities.

I’ll incorporate your edits into the Transcanada slide

From: Calwell, Carolyn (ENERGY)
Sent: August 26, 2011 2:59 PM
To: King, Ryan (ENERGY)
Subject: RE: Transition - New Natural Gas-Fired Generation (Aug 26)estdp.ppt

Hi Ryan,

A couple of comments.

Slide 2 – 5th bullet - I’m not sure that I understand the bullet as drafted and I’m not sure which provincial regulation this is referring to. I would revise and wouldn’t speak to Oakville and the regulation in the same bullet:

- A plant proposed to be built in Oakville was cancelled.
- The province has [passed a regulation related to –VERIFY THIS] regulate the siting of gas plants. As a result there is ongoing public expectation that that any new plants will be subjected to new siting rules.

Slide 6 – revise 4th bullet: TransCanada, Infrastructure Ontario, OPG, and Ministries of Energy and Finance are seeking to negotiate non-financial [other - DELETE] options for settling the dispute that could include the transfer of assets or project development opportunities. The negotiations are ongoing.

Thank you for the opportunity to consider.

Carolyn

From: King, Ryan (ENERGY)
Sent: August 26, 2011 11:55 AM
To: Calwell, Carolyn (ENERGY)
Subject: Transition - New Natural Gas-Fired Generation (Aug 26)estdp.ppt

Hi Carolyn,
The attached is a transition briefing related to Natural gas issues. Could you let us know if you have any edits?

Thanks,
Ryan

Fisher, Petra (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org >
Sent: August-29-11 3:08 PM
To: Write2us (ENERGY)
Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Omit.

*Elizabeth Skubik
Office Manager & Scheduler
Office of the Hon. Brad Duguid
Minister of Energy
tel: 416-327-0356
fax: 416-314-3186*

From: Write2us (ENERGY) [mailto:Write2us@ontario.ca]
Sent: Monday, August 22, 2011 1:47 PM
To: Duguid_Brad-MPP; Olsheski, Mark
Subject: RE: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

Hi Mark.

Do you want this processed as an invitation (i.e., sent for recommendation)?

Thanks,
Diana

Diana Gibbs
Correspondence Writer/Editor
Ministry of Energy and
Ministry of Infrastructure
880 Bay Street
2nd Floor
Toronto ON M7A 2C1
416-327-2485

From: Duguid_Brad-MPP [mailto:bduguid.mpp@liberal.ola.org]
Sent: August 22, 2011 1:23 PM
To: Olsheski, Mark; Write2us (ENERGY)
Subject: FW: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

?

From: Greg Rohn [mailto:greg@gmdwholesale.com]
Sent: Thursday, August 18, 2011 3:31 PM
To: Duguid_Brad-MPP
Subject: Invitation to Mississauga / Etobicoke Community Rally Against Sherway Power Plant - September 15 - 7pm

August 18, 2011

Mississauga and Etobicoke Residents to Hold Community Rally Against Sherway Power Plant

You are formally invited to attend our meeting on Thursday, September 15 at 7pm. We hope to see you there.

DATE: Thursday, September 15, 2011

LOCATION: Le Treport Convention Centre, 1075 Queensway East (just west of Stanfield Road) in Mississauga

TIME: Program will start at **7:00 p.m.** Demonstration outside the Hall from **6:00 p.m.**

All local politicians from Mississauga and Etobicoke, the Ministers (Energy, Environment and Health) involved in this project and Premier Dalton McGuinty, are invited to attend. Speakers will include members of CHIP, experts in the field and members of other organizations who have fought similar battles including MIRANET (Mississauga Residents' Associations Network). We hope you will also be able to briefly address the citizens as well. This will be the prime opportunity for concerned residents to get more information and to voice their concerns to those who have the power to stop the construction.

CHIP (Coalition of Homeowners for Intelligent Power) represents over 14,000 homes in East Mississauga and Etobicoke. We have been working for almost 8 years in opposition to the proposed natural gas power plant now under construction by Eastern Power, on Loreland Ave. in Mississauga.

The Sherway power plant is in the wrong location. The Liberal Government recently cancelled another gas plant in Oakville, under heavy pressure from residents. The reasons for the cancellation of the Oakville plant, all hold true in relation to the Sherway plant. It sits adjacent to the Trillium Hospital and Dorothy Ley Hospice, as well as Sherway Gardens, the new condos at Sherway, local schools, businesses and 1000's of residential homes – the closest homes are 100m away! The sensitive Etobicoke Creek watershed and a major rail line are right beside the plant. The plant will also contribute to an already over-taxed air shed which includes other industry, several major highways and is under the airport flight paths. The Lakeview - Etobicoke air shed requires cumulative standards for air emissions – there is no room for a power plant.

For more information please contact **Greg Rohn** – Interim Chair of CHIP @ greg@gmdwholesale.com or by phone 647-388-0562.

Best regards,
Greg Rohn
Interim Chair – CHIP

www.chipcanada.org

www.facebook.com/StopTheSherwayPowerPlant

Energy Correspondence Highlights August 2011

Attached is the issues report for August. Summary of highlights:

Total correspondence received: 430 (including write-in campaigns)

FORM LETTERS/ WRITE-IN CAMPAIGNS

Continuing

- **Emails against gas-fired power plant in Mississauga: 8 new; 61 total**
Citizens send emails objecting to news of gas-fired power plant to be constructed across from Sherway Gardens in Mississauga. **(Started June 2011)**
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GENERAL CORRESPONDENCE

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MUNICIPAL RESOLUTION UPDATES

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Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: August-31-11 2:58 PM
To: England, Michael (ENERGY)
Subject: RE: Chronological Capacity List

Greenfield South in service date should be Q3 2014.

From: England, Michael (ENERGY)
Sent: August 31, 2011 2:49 PM
To: Christie, Tim (ENERGY); Jenkins, Allan (ENERGY); Anam, Zobair (ENERGY)
Subject: Chronological Capacity List

Hi Tim/Allan/Zobair,

Working on updating our capacity list and I require your input.

Please take a few moments to audit the capacity list attached – we are looking to add anything missing and correct dates/MW's, etc.

If you make edits/additions, highlight those changes with a bright colour. If you have additional information you feel helpful, please make note alongside the adjacent cells. Please pay particular attention to the headings when making any changes.

I know this is tedious and I appreciate your input; let me know if you need anything,

Best,
Michael

Michael England | Policy Analyst
Energy Economics Team
Energy Supply and Competition Branch
Ministry of Energy
(416) 325-6858
michael.england@ontario.ca

Cayley, Daniel (ENERGY)

From: Write2us (ENERGY)
Sent: September-02-11 11:51 AM
To: 'den.santa@sympatico.ca'
Subject: Greenfield South Generating Station

Dear Ms Santarossa:

Your email concerning the Greenfield South Generating Station has been forwarded to me for response.

Please understand that the Government of Ontario has set health, safety and environmental protection for individuals and communities as top priorities in the development of Ontario's electrical system.

The Greenfield South plant is replacing generation from the Lakeview coal plant and other coal plants which had a much higher health and environmental impact on your neighbourhood than the new gas plant.

The need for reliable supply to your community remains, and the combined cycle gas generation technology to be used at Greenfield South is the cleanest form of reliable generation available. The impact of the plant operation will be much less than other neighbourhood sources such as furnaces, vehicles, barbeques and yard equipment.

With respect to your concern about the environmental review process, Greenfield South's environmental report was subjected to a rigorous public and Ministry of the Environment review. Before any approvals were issued significant design and operational improvements were made to reduce environmental impact further.

While normally companies are only required to meet the standards and conditions that were applicable at the time the approvals were issued, the Ministry of the Environment is taking the unusual step to review the environmental impact of Greenfield South again to ensure that the plant meets or better the current standards and conditions.

Gas and other fuelled generation facilities are commonly located and have operated safely within communities around the world, some large plants less than 200 meters from residences and other occupied buildings. Gas generation facilities at smaller scales are often attached to hospitals, to provide uninterrupted power.

Ontario's gas safety standards are very high and gas generating facilities are built and operated to the highest standards, so that they have proven to be of very low risk.

I understand that you will continue to have concerns about Greenfield South; this is common in many communities when generating facilities have been introduced. This happened, for example, when Toronto's Portlands Energy Centre, a 550 MW gas generating plant, was being planned and built. Portlands has now operated for several years without complaint or concern expressed by the local community, and it has become a destination for plant tours by the public.

I trust you will find this information helpful, and thank you for writing.

.

Allan Jenkins
Senior Policy Specialist
Energy Markets

Cayley, Daniel (ENERGY)

From: Smith, Mark (ENERGY)
Sent: September-06-11 5:17 PM
To: Cayley, Daniel (ENERGY); Cooper, Linda (ENERGY); Kovesfalvi, Sylvia (ENERGY); Bacci, Gloria (ENERGY); Kulendran, Jesse (ENERGY); Wismer, Jennifer (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY); Olsheski, Mark (ENERGY); King, Ryan (ENERGY); Prithipal, Shantie (ENERGY); Teixeira, Wanda (ENERGY); Wilson, Betty (ENERGY); Devan, Jane (ENERGY); Kourakos, Georgina (ENERGY); Arbuthnot, Andrea (ENERGY); Gerard, Paul (ENERGY); Sylvis, Laura (ENERGY); Sharkawi, Rula (ENERGY); Nutter, George (ENERGY); Lewyckyj, Maryanna (ENERGY); Perry, Ann (ENERGY); Petek, Barbara (ENERGY); Wolgelerenter, Debbie (ENERGY); Bishop, Susan (ENERGY); Pitkeathly, Doreen (ENERGY); Gibbs, Diana (ENERGY); Khosrowshahian, Solmaz (ENERGY); Smith, Mark (ENERGY)
Subject: Today's House Note Updates and Index
Attachments: B15 - New Gas-Fired Electricity Generation - Sept 1 2011.doc; Today's Energy House Notes - September 1 2011.xls

Unrelated attachment removed

Attached are today's housebook note updates, along with an updated index.

Please let me know if you have any questions.

Mark Smith
Media and Issues Officer
Ministry of Energy and Ministry of Infrastructure
416-326-5001

New Gas-Fired Electricity Generation

ISSUE:

What is the status of natural gas fired generation plants that have been procured or are being planned in response to the government's goal of eliminating coal fired generation in the province?

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Greenfield South

If asked about the status of/need for the plant:

- ~~The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.~~
- As of July 20th, the proponent reports that it has received its building permit for the plant and has begun to lay the foundations for the gas and steam turbine halls.
- On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- The Greenfield South Power Plant is part of the overall plan to eliminate coal-fired generation by the end of 2014.

~~•The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.~~

If asked if the plant is going ahead to replace the cancelled OGS:

- The Greenfield South Power Plant has been in development since 2005 and its development is unrelated to the cancellation of the Oakville Generating Station.
- The southwest GTA requires additional power capacity
- Greenfield South is part of the solution. In addition to this plant, the OPA is also looking at transmission options for the Southwest GTA.

Oakville Generating Station

If asked about cancellation of proposed Oakville gas-fired plant:

- As we developed the Long-Term Energy Plan, it became clear we no longer needed this plant in Oakville. With transmission investments we can keep the lights on and still shut down all dirty coal-fired generation.

If asked about potential contract implications with TransCanada:

- We no longer need a gas plant in the South-West GTA. We are discussing the effect of that determination with TransCanada.
- TransCanada has long been an important part of Ontario’s electricity sector. We value the role TransCanada plays and we expect that TransCanada will continue to play an important role.

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Status of New Gas-Fired Facilities:

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Future In-Service Dates are **CONFIDENTIAL**

Project	Procurement Type	Size (MW)	Status	In-Service Date
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[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Greenfield South	CE	280.0	Approvals complete. Construction	Q3 2014
TransCanada Oakville Generating Station	GTA	900.0	Cancelled	NA
Kitchener-Waterloo-Cambridge-Guelph		450.0	Procurement direction not yet issued	TBD
TOTAL ONLINE		3702.6.1		
TOTAL		4825.6.6		

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Greenfield South

Greenfield South Generating Station is a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. Part of the project's property will be dedicated to the City as greenbelt, and the plant will occupy roughly 2 hectares of the property.

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• Eastern Power Ltd. is an equity contributor to Greenfield South Power Corporation, and is responsible for the project's design, engineering, and management, and provides operations and maintenance support. No information is available on any other partners.

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• The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.

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• The plant was selected in the Ministry of Energy Clean Energy Supply competition and holds a contract with the OPA.

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• Approvals delays resulting from City of Mississauga opposition to the project at the EA and building permitting stages harmed the economic viability of the project.

• The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.

• The project obtained environmental approval in 2008 from the Ministry of the Environment.

• The City of Mississauga issued a building permit on May 31, 2011 for the building that will house the generation equipment.

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• The contract between Greenfield South and the Ontario Power Authority was renegotiated as a result of approvals delays, to extend the operational date.

• As of March 18, 2011, the OPA and Greenfield South have agreed to a new COD: Q3 2014.

• Greenfield intends to proceed with the project and has previously indicated that they would pursue litigation if the City or the province moved to prevent the plant from being built.

• Delays in the COD will exacerbate supply problems in the southwest GTA.

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• The proponent has stated that all financing needed for construction of the project was finalized in May 2011. Public reports indicate that \$250 million in financing was provided by Morgan Stanley and EIG Global Energy Partners.

• As of July 20th, the proponent reports that it has begun to lay the foundations for the gas and steam turbine halls.

• Purchase orders for all of the plant's major equipment including the turbines and generators have been placed.

• Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding.

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• On July 28th, the proponents will be holding their first monthly local liaison meeting to help foster communication with local residents.

• On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South

facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.

-
- The Environmental Approval for the generating plant is specific to the site, and is not transferable.

Procurements

Clean Energy Supply RFP – 2,500 MW

- In 2004 and 2005 the Ministry developed and administered a Request for Proposals that ultimately resulted in 5 successful projects totaling 1,955 MW of gas-fired generating capacity

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- These contracts were transferred to the OPA for management.

Directives to the OPA: GTA

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Southwest GTA Procurement

- On July 16, 2008, Minister Smitherman announced that he would direct the OPA to launch a competitive bidding process for a combined-cycle natural gas plant of about 850 MW in the southwest GTA.

-
- On September 30, 2009, the Ontario Power Authority announced that it would sign a contract with TransCanada Corporation to design, build and operate a 900 MW electricity generating station in Oakville. TransCanada estimated the cost of the plant at \$1.2 billion.

-
- On October 7, 2010, Minister Duguid announced that the plant had been cancelled. The OPA is negotiating termination of the contract with TransCanada.

Potential non-GTA procurement (Kitchener-Waterloo-Cambridge):

- The Kitchener-Waterloo-Cambridge-Guelph area is a major automotive and “high tech” centre and is experiencing rapid population and economic growth. Peak demand is 1,400 MW and has been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply

- During the development of the IPSP, the OPA determined that for reliability and security reasons, and to contribute to coal replacement, additional simple cycle gas-fired electricity supply of 450 MW would be required.

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- The preferred location for the facility is near the Preston Transformer Station in Cambridge, which would negate the need for a major transmission re-enforcement in the Cambridge area.
- The site search area lies within the Haldimand Tract. Ministry legal counsel has advised that notice be provided to Six Nations of the Grand River prior to issuance of a direction. The current plan is to arrange a Ministry/OPA briefing of Six Nations before a procurement is announced.
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- TransCanada may be contracted to build the KWC facility as compensation for termination of the Oakville GS contract.

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- Updated by: Keegan Tully, Advisor, Energy Supply
Energy Markets
(416) 325-6881
- Prepared by: Allan Jenkins, Senior Policy Specialist
Energy Supply and Competition
(416) 325-6926
- Approved by: Doug MacCallum, Manager
Energy Markets
(416)325-6546
- Garry McKeever, Director
Energy Supply and Competition
(416) 325-8627
- Rick Jennings, ADM
Office of Energy Supply, Transmission and Distribution
(416) 314-6190

Fisher, Petra (ENERGY)

From: Wilson, Betty (ENERGY)
Sent: September-07-11 7:30 AM
To: @ENERGY-RASP-ALL
Subject: FW: Today's (Sept. 6) House Note Updates and Index
Attachments: B15 - New Gas-Fired Electricity Generation - Sept 1 2011.doc; Today's Energy House Notes - September 1 2011.xls

Duplicate/unrelated
attachments removed

FYI

From: Smith, Mark (ENERGY)
Sent: September 6, 2011 5:17 PM
To: Cayley, Daniel (ENERGY); Cooper, Linda (ENERGY); Kovesfalvi, Sylvia (ENERGY); Bacci, Gloria (ENERGY); Kulendran, Jesse (ENERGY); Wismer, Jennifer (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY); Olsheski, Mark (ENERGY); King, Ryan (ENERGY); Prithipal, Shantie (ENERGY); Teixeira, Wanda (ENERGY); Wilson, Betty (ENERGY); Devan, Jane (ENERGY); Kourakos, Georgina (ENERGY); Arbuthnot, Andrea (ENERGY); Gerard, Paul (ENERGY); Sylvis, Laura (ENERGY); Sharkawi, Rula (ENERGY); Nutter, George (ENERGY); Lewyckyj, Maryanna (ENERGY); Perry, Ann (ENERGY); Petek, Barbara (ENERGY); Wolgelerenter, Debbie (ENERGY); Bishop, Susan (ENERGY); Pitkeathly, Doreen (ENERGY); Gibbs, Diana (ENERGY); Khosrowshahian, Solmaz (ENERGY); Smith, Mark (ENERGY)
Subject: Today's House Note Updates and Index

Attached are today's housebook note updates, along with an updated index.

Please let me know if you have any questions.

Mark Smith
Media and Issues Officer
Ministry of Energy and Ministry of Infrastructure
416-326-5001

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: September-09-11 3:09 PM
To: Sharkawi, Rula (ENERGY)
Cc: Reddy, Neetha (ENERGY); James, Emily E. (ENERGY)
Subject: Meeting Summaries

Hi Rula –

Sorry for the delay in sending this ... I've been swamped (during this quiet time). Here are summaries of the two meetings I attended on your behalf. Note – there is one follow-up item from MEC we should discuss on Monday – can wait for my weekly update in the aft. Hope you are enjoying this great day. Hope you and Julian are feeling better. Have a great weekend.

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Greenfield South

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11/11/2011

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Cayley, Daniel (ENERGY)

From: dnaford@rogers.com
Sent: September-15-11 11:35 PM
To: Write2us (ENERGY)
Subject: Greenfield South power plant

Dear Sir

I just attended a rally to appose the Greenfield South power plant which has started construction in Mississauga. We hear many speakers take the floor. This is a bad move by the Government to put a power plant in a residential area. Laurel Broten, MPP of Etobicoke South did speak at the meeting and she said that she had made a request that your department do an environmental assessment on the site. Common sense should tell you that the site is a bad location for a power plant. Save tax payers money and stop this plant

from: Andrew Ford

Cayley, Daniel (ENERGY)

From: quyen.do@gmail.com
Sent: September-16-11 10:52 AM
To: Write2us (ENERGY)
Subject: Stop The Sherway Power Plant

Dear Minister,

This Gas Fired Power Plant would further pollute the air in an environment with an already over-stressed air quality in Toronto/Mississauga. The proposed site is environmentally unsound as this site would cause, among other pollutants, carcinogens to fall on:

- Trillium Hospital, Dorothy Ley Hospice
- The Sherway Gardens Shopping Mall
- Condos at One Sherway, Summerville Pines Seniors Housing
- Thousands of homes and parks in Eastern Mississauga and the whole city of Toronto
- The Ecologically Sensitive Etobicoke Creek Valley

Opponents include Toronto's Medical Officer of Health, The Coalition of Homeowners for Intelligent Power, the City of Mississauga, and many more residents.

We are calling for an immediate stop to the construction of this power plant at this location! Please act now.

Thanks for serving Ontario.

Yours truly,

Quyen Do and family
from: Quyen Do

Cayley, Daniel (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: September-16-11 4:47 PM
To: Chapman, Tom (ENERGY); Christie, Tim (ENERGY)
Cc: Tully, Keegan (ENERGY); Jenkins, Allan (ENERGY)
Subject: FW: Transition decks edits
Attachments: Ministry of Energy - Transition Fall 2011 - New Natural Gas-Fired Generation v2 - all edits.ppt

Keegan has made edits as noted, with a few points left to be addressed.

Doug

From: Tully, Keegan (ENERGY)
Sent: September 16, 2011 4:08 PM
To: MacCallum, Doug (ENERGY)
Subject: RE: Transition decks edits

Hi Doug,

I have made the following changes to the deck as requested:

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Contentious Pants –change to “GTA Plants” and include proponent names (ex. Eastern Power) when discussing projects.

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Let me know if you have any feedback.

Keegan

From: MacCallum, Doug (ENERGY)
Sent: September 15, 2011 5:18 PM
To: Tully, Keegan (ENERGY)
Subject: FW: Transition decks edits
Importance: High

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Thanks

Doug

From: King, Ryan (ENERGY)
Sent: September 15, 2011 2:55 PM
To: Chapman, Tom (ENERGY); MacCallum, Doug (ENERGY); Bergman, Mark (ENERGY); Bishop, Ceiran (ENERGY); Nakahara, Ken (ENERGY)
Cc: McKeever, Garry (ENERGY); Jennings, Rick (ENERGY); Norman, Jonathan (ENERGY)
Subject: Transition decks edits
Importance: High

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Contentious Plants –change to “GTA Plants” and include proponent names (ex. Eastern Power) when discussing projects.

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Ryan King | Executive Assistant
Energy Supply, Transmission and Distribution Policy Division
Ministry of Energy | Tel: +1 416-314-6204

ELECTRICITY SUPPLY ISSUES

Prepared By: Energy Supply, Transmission and Distribution Policy
Date: September 16, 2011

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New Natural Gas-Fired Generation

- Natural gas-fired generation has a relatively low cost compared to most other sources of new generation. The large natural gas generation facilities can be dispatched to provide power when it is needed. Natural gas is helping to replace coal-fired generation and integrate intermittent renewable generation leading to lower carbon emissions from Ontario's electricity mix.
- Through various Ministerial directions, the OPA has procured 5,277 megawatts (MW) of new natural gas-fired generation capacity of which 4,154 MW is already operating. The OPA has indicated a need to procure one additional new plant of approximately 450 MW in the Kitchener-Waterloo-Cambridge area.
- Four plants located in the GTA have been the subject of strong local municipal and public opposition. Portlands Energy Centre in Toronto has been built and operating for several years and is no longer contentious.
- There have been calls and proposals made to provincially regulate the siting of plants in response to local opposition to new gas generation.
- If there are further delays or cancellation of new gas-fired generators, it could lead to decreased reliability during periods of peak demand in areas around the new facilities.

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Project	Location	Size (MW)	Status	In-service Date
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Greenfield South	Mississauga	280.0	Construction	Q3 2014
TransCanada Oakville	Oakville	900.0	Cancelled	Not Applicable
Kitchener-Waterloo-Cambridge-Guelph	To be determined	450.0	Procurement direction not yet issued.	To be determined
Total Online		4,153.9		
Total		5,276.9		

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GTA Plants - Greenfield South

- Greenfield South is a 280 MW combined cycle gas fired generating plant that was procured through a 2005 competition conducted by the Ministry of Energy and the contract is now managed by the OPA.
- The plant will be built and operated by Eastern Power Ltd and is located in southern Mississauga near the Etobicoke border. The plant is only now under construction as a result of several municipal and other permitting delays.
- The project's approval was delayed due to City of Mississauga opposition at the Environmental Approval and building permitting stages. As a result, Eastern Power's contract was renegotiated to extend the operational date to the third quarter of 2014.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- The Ministry of the Environment is conducting an updated review of the approval for the Greenfield South facility to assess recent developments. There is no fixed timeline for this review.

TransCanada Agreement (tentative CONFIDENTIAL)

- On September 30, 2009, the Ontario Power Authority announced that it would sign a contract with TransCanada Corporation to design, build and operate a 900 MW electricity generating station in Oakville. TransCanada estimated the cost of the plant at \$1.2 billion.
- On October 7, 2010, the government announced that the plant would not proceed.
- TransCanada, the Province and the OPA have signed an arbitration agreement related to the termination of the Oakville Generating Station project. The arbitration sets out the framework for the determination of the reasonable damages which TCE is entitled as a result of the termination of the contract.
- TransCanada, Infrastructure Ontario, OPG, and Ministries of Energy and Finance are seeking to negotiate non-financial options for settling the dispute that could include the transfer of assets or project development opportunities. The negotiations are ongoing.
- In the event an alternative agreement is not achievable, TransCanada would be able to pursue arbitration under the agreement set out.

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Fisher, Petra (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: September-19-11 3:23 PM
To: King, Ryan (ENERGY)
Subject: RE: invitation to adaptation in the electricity sector workshop
Attachments: image001.jpg

Actually Linda could attend - we just thought we should confirm that it's appropriate at this time.

Doug

From: King, Ryan (ENERGY)
Sent: September 19, 2011 2:58 PM
To: MacCallum, Doug (ENERGY)
Subject: FW: invitation to adaptation in the electricity sector workshop

Is something your area would be interested in attending?

From: Springman, Hartley (ENERGY)
Sent: September 19, 2011 2:41 PM
To: King, Ryan (ENERGY)
Cc: Cross, Annamaria (ENERGY)
Subject: FW: invitation to adaptation in the electricity sector workshop

Ryan,

We received this invitation from the Clean Air Partnership. It was originally sent to Linda Poirier, but she can't attend. I'm sending it to you in case you think it might be worthwhile to have someone from ESTDP attend.

Let me know.

Hartley

From: Caroline Rodgers [mailto:croders@cleanairpartnership.org]
Sent: September 16, 2011 12:20 PM
To: Springman, Hartley (ENERGY)
Subject: invitation to adaptation in the electricity sector workshop

Hi Hartley,

As per our discussion, below please find the invitation and attached is the background paper and agenda. Please note that breakfast, lunch and refreshments will be served.

Best regards and good luck on your mission,

Caroline Rodgers

Program Manager/Researcher, Clean Air Partnership
75 Elizabeth Street, Toronto, Ontario, M5G 1P4
Telephone: (416) 392-0254
Fax: (416) 338-0616
Email: croddgers@cleanairpartnership.org
Website: www.cleanairpartnership.org

Dear Colleague,

The changing climate is already impacting the electricity sector in a number of ways. Demand for electricity is rising with the increasing number of extreme heat days each year. Simultaneously, variable temperatures and precipitation are negatively impacting electricity generation and transmission efficiency. An increasing number of intense weather events threaten energy infrastructure. Under these conditions, electricity generation, transmission and distribution organizations and stakeholders are vulnerable to climate change and must take action to ensure continued access to this essential resource.

Clean Air Partnership (CAP) and the City of Guelph invite you (or your designate) to attend a free, all-day workshop on *Climate Change Adaptation in the Electricity Sector* on Monday September 26, 2011 at Guelph City Hall, 1 Carden Street.

CAP and the City of Guelph are bringing together leading experts and stakeholders to initiate a multi-level dialogue on recognizing climate-related threats and adapting to them in electricity generation, transmission and distribution. The goal of this innovative workshop is to build networks between electricity stakeholders, recognizing that damage to one sector can have serious implications for all others. Additionally, CAP hopes to encourage action by gathering experts that can speak to available and emerging adaptation options.

The themes for the day will explore climate-related impacts on the electricity sector, as well as ongoing research and adaptation options for stakeholders. Roundtable discussions will explore how partners can move forward on joint priorities and challenges. Ideas and next steps that emerge from the discussions will be documented in a workshop summary that will be shared with all workshop participants.

We look forward to seeing you at the workshop! Space is limited, so please RSVP by Monday September 12th, 2011 to reserve your spot. To RSVP please email croddgers@cleanairpartnership.org

Thank you and kind regards,



Eva Ligeti
Executive Director,
Clean Air Partnership



Dufferin-Peel Catholic District School Board

40 Matheson Boulevard West, Mississauga, Ontario L5R 1C5 • Tel: (905) 890-1221 • Fax: (905) 890-7610

September 19, 2011

The Honourable Leona Dombrowsky
Minister of Education
2nd Floor, 880 Bay Street
Toronto, ON M7A 1N3

The Honourable Brad Duguid
Ministry of Energy
900 Bay Street, 4th Floor
Hearst Block
Toronto ON M7A 2E1

The Honourable John Wilkinson
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto ON M7A 2T5

Dear Ministers Dombrowsky, Duguid and Wilkinson:

**Re: Greenfield South Power Project
City of Mississauga**

The Dufferin-Peel Catholic District School Board wishes to express concern regarding the construction of the Greenfield South Power Plant, located in east Mississauga. As you are aware, there has been substantial concern expressed in the community regarding the installation of this plant, and its close proximity to residential areas in this part of Mississauga.

The Board has five elementary schools located within 3 kilometres of the site: St. Alfred Elementary, St. Edmund Elementary, St. Sofia Elementary, St. Thomas More and Blessed Teresa of Calcutta Elementary Schools. There are approximately 2125 elementary students, as well as staff at these schools.

The Board is concerned with the construction of the Greenfield South Power Corporation in this proximity to the residential areas and educational facilities. There are concerns with the air quality in this part of Mississauga and the impact of plant emissions on the air quality.

We appreciate your support in the protection of Dufferin-Peel students and staff.

Yours truly,

Anna Abbruscato
Chair of the Board

- c. Trustees
MPP Elect, Mississauga East-Cooksville
Jim Tovey, Councillor, City of Mississauga, Ward 1
Chris Fonseca, Councillor, City of Mississauga, Ward 3
Charles Sousa, MPP, Mississauga South
John B. Kostoff, Director of Education, DPCDSB



MC-2011-3742

① 141 C: MO
RJ

PL. Dufferin-Peel Catholic
District School Board writes
to Ministers of Energy, Education
and Environment about
concerns about Mississauga
gas plant.
S: GTA New Supply

Cayley, Daniel (ENERGY)

From: fatima.formariz@gmail.com
Sent: September-20-11 2:52 PM
To: Write2us (ENERGY)
Subject: Sherway Power Plant

As a Markland Wood resident in Central Etobicoke, I am extremely concerned with the continued construction of the Sherway Power Plant and the lack of attention given to addressing concerns around the issues that have been continuously expressed by the community. I am looking towards those who continue to "represent" these communities to make a strong commitment to solve this matter. It is not too late to reverse this short-sighted decision to allow Eastern to build a gas powered plant in an area that already has one of the poorest air quality in the GTA.

Isn't it time that our elected officials look beyond the usual three year plan and implement a course of action that will put us on the road to developing viable alternate sources of energy that do not risk human health and the health of our planet. My vote will not be going to the candidate who echos the latest flavour of the month cause but one with substance, a track record for putting in practice what they say and one who is looking towards the future not just the immediated electoral term.

I beleive there are many Canadians who think as I do. Many Canadian who are fed up with the subterfuges of our elected officials who speak in eight second sound bites and say nothing of substance. Don't tell me what you think I want to hear, and then assure me that you are listening to the people. Credit me with greater intelligence please!

My candidate will have the strength to lead by their convictions, have the vision to create and envision a better community, have the empathy to understand the human condition that we share and the courage to protect what needs to be protected.

I'm still looking.....

from: Fatima Formariz



Ontario Energy
Association

45 Sheppard Avenue East, Suite 409
Toronto, Ontario M2N 5W9
T 416.961.2339 | F 416.961.1173
www.energyontario.ca

Dear OEA Members:

As you are no doubt aware, the community action opposing the Eastern Power plant in Mississauga is again in the news. Community activists are pressuring the Government of Ontario to order new reviews, conduct new assessments, and ultimately stop the plant altogether. Sadly, this type of NIMBY activism has become a troubling trend in Ontario and is affecting all types of infrastructure projects despite clearly articulated rules, procedures, and contracting provisions that should ensure participants in infrastructure projects are free from political activism.

Regrettably, as we have seen in Oakville, King City, and now Mississauga, a “deal” in Ontario is not always a done deal. We expected increased attention on the electricity sector during this hotly contested provincial election. The polls are tight and citizens are using this opportunity to raise their issues in hopes of provoking knee-jerk reactions from politicians desperate for valuable votes and seats.

The Ontario Energy Association is well aware of the volatile public affairs environment in the electricity sector. We have heard loud and clear the frustration with the current climate of political activism surrounding our sector.

We are closely monitoring the situation as it develops and will be ready to act on any hint of government backtracking during this campaign. Once the election is over, we will be tackling the issue of NIMBYism and its dangers with the Minister of Energy and will strongly advocate the interests of our members in the media if necessary.

It's imperative the new government ensure a predictable, consistent and stable environment that provides businesses with assurance on contract sanctity. The damage to investor confidence and to the stability of the energy sector is too dangerous to continue this trend of bending to the person yelling the loudest.

If you have any questions, comments or concerns please feel free to contact our Director, Stakeholder Relations, Tina Arvanitis directly at 647.920.3269 or tarvanitis@energyontario.ca

Sincerely,

Elise Herzig
President and CEO
Ontario Energy Association

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: September-21-11 10:15 PM
To: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: Fw: Letter to OEA Members Re: Eastern Power's Greenfield South Project
Attachments: Letter to OEA Members 19.09.11pdf.pdf

Fyi

Sent from my BlackBerry Wireless Handheld

From: Chris Holz <chrish@campbellstrategies.com>
To: Jennings, Rick (ENERGY)
Sent: Wed Sep 21 15:26:53 2011
Subject: FW: Letter to OEA Members Re: Eastern Power's Greenfield South Project

Hi Rick:

Great speaking with you. Here is the letter from the OEA, as discussed. Just FYI

Chris

Christopher F. Holz
Campbell Strategies
Commerce Court West
199 Bay Street, Suite 3210
P. O. Box 199, Commerce Court Postal Station
Toronto, ON
M5L 1E7

T: 416-368-7353, ext. 261
F: 416-368-9848
C: 416-459-8439
E: chrish@campbellstrategies.com
W: www.campbellstrategies.com

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From: OEA News [<mailto:news@energyontario.ca>]
Sent: Monday, September 19, 2011 04:49 PM
Subject: Letter to OEA Members Re: Eastern Power's Greenfield South Project

Dear OEA Members:

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tarvanitis@energyontario.ca

Sincerely,

Elise Herzig

President and CEO

Ontario Energy Association

----- End of Forwarded Message

Cayley, Daniel (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: September-22-11 9:14 AM
To: Tully, Keegan (ENERGY)
Subject: FW: Letter to OEA Members Re: Eastern Power's Greenfield South Project
Attachments: Letter to OEA Members 19.09.11pdf.pdf

Duplicate attachment removed

Related to siting issues

Doug

From: Jennings, Rick (ENERGY)
Sent: September 21, 2011 10:15 PM
To: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: Fw: Letter to OEA Members Re: Eastern Power's Greenfield South Project

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Christopher F. Holz
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Commerce Court West
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T: 416-368-7353, ext. 261
F: 416-368-9848
C: 416-459-8439
E: chrish@campbellstrategies.com

W: www.campbellstrategies.com

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Sincerely,

Elise Herzig

President and CEO

Ontario Energy Association

----- End of Forwarded Message

Fisher, Petra (ENERGY)

From: Gerard, Paul (ENERGY)
Sent: September-22-11 11:54 AM
To: 'Kristin Jenkins'
Cc: Sharkawi, Rula (ENERGY); Lindsay, David (ENERGY); Colin Andersen; Patricia Phillips; Tim Butters; Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Toronto Star Request - Cancellation of Oakville Contract

Hello Kristin,

Please use the following response to reply to this reporter:

The Ontario Power Authority is continuing discussions with TransCanada, the company selected to develop the Oakville plant. Those discussions are ongoing and we have no further information to provide at this time.

Kind regards,

Paul.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]

Sent: 21-Sep-11 16:56

To: Sharkawi, Rula (ENERGY); Lindsay, David (ENERGY); Colin Andersen; Patricia Phillips; Tim Butters; Gerard, Paul (ENERGY); Kulendran, Jesse (ENERGY)

Subject: Toronto Star Request - Cancellation of Oakville Contract

Katie Daubs from the Toronto Star contacted the OPA today to find out how much cancelling the OGS contract will cost. Her deadline is 5:00 pm tomorrow, Sept 22. As a reminder, the default position for a lot of media is to ascribe a \$1 billion price tag to the cancelled contract. OPA's proposed response - The Ontario Power Authority is continuing discussions with TransCanada, the company selected to develop the Oakville plant. A number of options are being explored to ensure the outcome is in the best interest of Ontario ratepayers. A specific dollar figure is not available right now.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Cayley, Daniel (ENERGY)

From: Len <lenny@nomoreisp.com>
Sent: September-23-11 6:56 PM
To: Lindsay, Ken (ENERGY)
Subject: Re GreenField South Power Plant Mississauga

Hello Ken,

As per our conversation today – I would like to speak to someone of authority in regards to this power plant being built on behalf and at the request of the Ministry of Energy. I have major concerns regarding the safety and Health hazards of this plant given its proximity of approx 100m to the closed residential dwelling.

Please have someone contact me as soon as possible.

Thank you.

Lenny Di Marco

416.527.1379

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: September-24-11 11:40 AM
To: Silva, Joseph (ENERGY)
Subject: Re: Mississauga gas plant

Understood and understood. No traffic from my end.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Silva, Joseph (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Sat Sep 24 11:37:45 2011
Subject: Fw: Mississauga gas plant

Looping... Probably should not have even flagged

----- Original Message -----

From: Silva, Joseph (ENERGY)
To: Lindsay, David (ENERGY); Kulendran, Jesse (ENERGY)
Sent: Sat Sep 24 11:36:51 2011
Subject: Re: Mississauga gas plant

Understood

----- Original Message -----

From: Lindsay, David (ENERGY)
To: Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Sent: Sat Sep 24 11:35:21 2011
Subject: Re: Mississauga gas plant

Thanks Joseph,

I just heard this too.

There is to be no e-mail traffic on this issue. This is a campaign announcement not a government announcement. It might have commercial sensitivity and we should not comment.

David

----- Original Message -----

From: Silva, Joseph (ENERGY)
To: Lindsay, David (ENERGY); Kulendran, Jesse (ENERGY)

Sent: Sat Sep 24 11:22:59 2011

Subject: Mississauga gas plant

Hi - just got Toronto Star news alert...

"Just ahead of the provincial election, Ontario Liberal leaders have announced they are halting construction of a controversial gas-fired power plant being built on the Toronto-Mississauga border."

Cayley, Daniel (ENERGY)

From: Lindsay, David (ENERGY)
Sent: September-24-11 12:52 PM
To: Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Kovesfalvi, Sylvia (ENERGY); Cooper, Linda (ENERGY); Gerard, Paul (ENERGY)
Subject: Re: Star story

Thanks Rula.

----- Original Message -----

From: Sharkawi, Rula (ENERGY)
To: Kulendran, Jesse (ENERGY); Kovesfalvi, Sylvia (ENERGY); Lindsay, David (ENERGY); Cooper, Linda (ENERGY); Gerard, Paul (ENERGY)
Sent: Sat Sep 24 12:20:06 2011
Subject: Fw: Star story

We have media lines should we get calls on the below story. Basically we don't comment on campaign promises.

Paul - please check in with myself or Linda before speaking to any journalists on this.

Thanks
R

----- Original Message -----

From: Betzner, Lynn (CAB)
To: McMichael, Rhonda (CAB); McKinnell, Richard (CAB); Hofmann, Martin (ENE); Sharkawi, Rula (ENERGY)
Sent: Sat Sep 24 12:17:14 2011
Subject: Star story

Liberals scrap Mississauga power plant

September 24, 2011 11:09:00

San Grewal

Staff Reporter

Just ahead of the provincial election, Ontario Liberal leaders have announced they will halt construction of a controversial gas-fired power plant being built on the Toronto-Mississauga border if they are re-elected.

The announcement Saturday morning to rethink plans for the 280-megawatt plant comes after months of fierce opposition from residents who were stunned when the project moved forward in the spring.

Ontario Liberal candidate Charles Sousa announced the decision, at the site near Sherway Gardens Mall, to rapturous applause from residents.

“The Ontario Liberal government will stop the Sherway gas fired power plant,” he said.

A press release sent Saturday morning said Ontario Liberals will work with Eastern “to find a new location for the plant.”

After it moved forward Dalton McGuinty hinted before the provincial election campaign officially began that a 2008 approval by the government for the project might be turned around.

Residents who said the site is too close to homes, a hospital, a shopping mall and Etobicoke Creek vowed to make the plant their number one election issue. A group representing 14,000 homeowners recently ramped up their opposition, with support from Liberal incumbent Charles Sousa, who has represented Mississauga-South.

Sousa has been the most vocal politician opposed to the plant's construction.

Originally planned in 2005, the project was challenged by the City of Mississauga at the OMB on a zoning technicality. The OMB ruled in favour of Eastern Power, which had won the government contract.

But residents near the site, which is next to Sherway Gardens mall, thought the plan was dead because nothing moved forward in years.

Then in May the city issued a building permit and began site preparation.

Residents were furious, especially since the government had just scrapped a similar plant last year that had been planned for Oakville, near the Mississauga border.

At the time the Ministry of Energy said there was no longer a demand for the additional power in the area. The government also said the air shed could not handle any increased pollution.

When McGuinty and Environment Minister John Wilkinson announced the review of the Mississauga plant earlier in the summer they said it was being done because a lot of development had occurred in the area around the site, particularly high rise condos, since the approval was granted.

But residents were again angered after the announcement when Eastern went ahead and started construction of the plant, even though the government informed it that a review of the earlier approval was underway.

It's not clear if the government will have to settle with Eastern or for how much, now that major construction at the site has begun. It's also not clear if another site will be chosen, who the partner would be or if there is even a need for such a plant in the area any more.

HOME > NEWS > ARTICLE

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: September-24-11 12:46 PM
To: Sharkawi, Rula (ENERGY)
Cc: Gerard, Paul (ENERGY); Cooper, Linda (ENERGY)
Subject: Re: Star story

Tx rula - linda and I also connected on this this am.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Sharkawi, Rula (ENERGY)
To: Kulendran, Jesse (ENERGY); Kovesfalvi, Sylvia (ENERGY); Lindsay, David (ENERGY); Cooper, Linda (ENERGY); Gerard, Paul (ENERGY)
Sent: Sat Sep 24 12:20:06 2011
Subject: Fw: Star story

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Paul - please check in with myself or Linda before speaking to any journalists on this.

Thanks
R

----- Original Message -----

From: Betzner, Lynn (CAB)
To: McMichael, Rhonda (CAB); McKinnell, Richard (CAB); Hofmann, Martin (ENE); Sharkawi, Rula (ENERGY)
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Subject: Star story

Liberals scrap Mississauga power plant

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A press release sent Saturday morning said Ontario Liberals will work with Eastern “to find a new location for the plant.”

After it moved forward Dalton McGuinty hinted before the provincial election campaign officially began that a 2008 approval by the government for the project might be turned around.

Residents who said the site is too close to homes, a hospital, a shopping mall and Etobicoke Creek vowed to make the plant their number one election issue. A group representing 14,000 homeowners recently ramped up their opposition, with support from Liberal incumbent Charles Sousa, who has represented Mississauga-South.

Sousa has been the most vocal politician opposed to the plant's construction.

Originally planned in 2005, the project was challenged by the City of Mississauga at the OMB on a zoning technicality. The OMB ruled in favour of Eastern Power, which had won the government contract.

But residents near the site, which is next to Sherway Gardens mall, thought the plan was dead because nothing moved forward in years.

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Residents were furious, especially since the government had just scrapped a similar plant last year that had been planned for Oakville, near the Mississauga border.

At the time the Ministry of Energy said there was no longer a demand for the additional power in the area. The government also said the air shed could not handle any increased pollution.

When McGuinty and Environment Minister John Wilkinson announced the review of the Mississauga plant earlier in the summer they said it was being done because a lot of development had occurred in the area around the site, particularly high rise condos, since the approval was granted.

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[HOME](#) > [NEWS](#) > [ARTICLE](#)

Cayley, Daniel (ENERGY)

From: Lindsay, David (ENERGY)
Sent: September-24-11 12:51 PM
To: Jennings, Rick (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Fw: Star story

FYI.

----- Original Message -----

From: Jamieson, Shelly (CAB)
To: Lindsay, David (ENERGY)
Sent: Sat Sep 24 12:47:38 2011
Subject: Fw: Star story

Fyi

Sent using BlackBerry

----- Original Message -----

From: Betzner, Lynn (CAB)
To: Jamieson, Shelly (CAB); Bromm, William (CAB)
Sent: Sat Sep 24 12:16:09 2011
Subject: Star story

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September 24, 2011 11:09:00

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[HOME](#) > [NEWS](#) > [ARTICLE](#)

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From: Gerard, Paul (ENERGY)
Sent: September-24-11 1:13 PM
To: Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Kovesfalvi, Sylvia (ENERGY); Lindsay, David (ENERGY); Cooper, Linda (ENERGY)
Subject: Re: Star story

Will do.

No phone calls or emails yet.

Paul.

----- Original Message -----

From: Sharkawi, Rula (ENERGY)
To: Kulendran, Jesse (ENERGY); Kovesfalvi, Sylvia (ENERGY); Lindsay, David (ENERGY); Cooper, Linda (ENERGY); Gerard, Paul (ENERGY)
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It's not clear if the government will have to settle with Eastern or for how much, now that major construction at the site has begun. It's also not clear if another site will be chosen, who the partner would be or if there is even a need for such a plant in the area any more.

Cayley, Daniel (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org >
Sent: September-24-11 5:09 PM
To: Write2us (ENERGY)
Subject: FW: South Greenfield Power Plant

From: Heather W [mailto:hlynnw@gmail.com]
Sent: Monday, September 19, 2011 8:18 PM
To: councillor_milczyn@toronto.ca; mayor@mississauga.ca; Cansfield_Donna-MPP; McGuinty_Dalton-MPP-CO; Broten_Laurel-MPP-CO; Wilkinson_John-MPP-CO; Sousa_Charles-MPP; Duguid_Brad-MPP; mayor_ford@toronto.ca
Subject: South Greenfield Power Plant

I am extremely concerned that construction of the Greenfield South power plant in the City of Mississauga is ongoing.

As I am sure you are aware, the site backs onto the Etobicoke Creek, a hospital, residential areas, and new condominiums that were not taken into consideration in the initial approvals of the project. I greatly appreciate that Minister John Wilkinson has decided to review the MOE's decision to review the approval for the plant. I understand that MOE issued a certificate of approval in 2008, but with the changes in the provincial energy picture and the surrounding land use changes, the project needs to be called into question. The initial approvals were granted when local, gas-fired powered generation was seen to be the right solution, but seemingly the picture has changed given the recent decision in Oakville. I think it's important for residents to know whether this is the right source of energy, if needed at all, and whether our airshed in the western and downtown portions of Toronto is any less sensitive than that in Oakville.

Simply stated, the plant seems unnecessary and potentially dangerous to public health and safety, it is too close to residential and environmental areas, and will have detrimental cumulative impacts on the airshed. Just like the Oakville plant, the Greenfield South Power Plant needs to be axed by Minister John Wilkinson and Premier Dalton McGuinty.

Please advise as to the status of the review of the Certificate of Approval and when the public can expect to see a decision on that review.

Thank you,
Heather

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: September-24-11 5:22 PM
To: King, Ryan (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY)
Subject: Re: liberals to scrap mississauga plant

This appears to be a Liberal campaign commitment so Ministry staff would have no comment on it if asked.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: King, Ryan (ENERGY)
To: Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY)
Sent: Sat Sep 24 12:19:50 2011
Subject: liberals to scrap mississauga plant

just read this

<http://www.thestar.com/news/article/1059194--liberals-scrap-mississauga-power-plant?bn=1>

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: September-25-11 12:34 PM
To: Cooper, Linda (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY); Gerard, Paul (ENERGY); Sylvis, Laura (ENERGY)
Subject: Scan
Attachments: Media Scan - Greenfield South Power Plant.pdf

Attached media clippings removed

As discussed yesterday ...

(Thank you again Laura - much appreciated).

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Sylvis, Laura (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Sun Sep 25 12:21:32 2011
Subject: Scan

As requested. Sorry for the delay - things always seem to take longer on laptop and home DSL than they do at my comp at work! I'll probably be around for another half hour or so before I run, so call if any Q's or concerns.

Ministry of Energy
Media Scan
Greenfield South Gas Power Plant
September 26, 2010 - September 25, 2011

The attached articles, in reverse chronological order, cover the issue of a proposed gas plant near Sherway Gardens in Mississauga.

The Mississauga community was already sensitized to the issue of gas-fired power plants when news emerged this spring that a building permit had been issued to Eastern Power for a gas-fired plant on Loreland Avenue near the border between Toronto and Mississauga. Last fall, a proposed gas-fired power plant to be sited near the Mississauga-Oakville border met with fierce opposition from the community. MPPs Kevin Flynn and Charles Sousa had spoken out against this plant. When the province moved to cancel the Oakville plant, Flynn published a letter to the editor of InsideHalton ("Reason to be proud", October 28, 2010). Two of his remarks in the letter are notable: "I would like to confirm that not only will the Oakville plant be stopped, but neither will it be built anywhere in the SWGTA including Mississauga" and "The Green Energy Act has allowed for the creation of 8000 MW of new energy and increased conservation and actually allowed our government to stop this plant."

The first news coverage in the past year of the Greenfield South Power Corporation gas plant issue came on June 2, 2011 when Chris Clay revealed a building permit had been issued for the plant. ("Permit issued for power plant", Mississauga News). Prior to that, the issue had been dormant for some years. The Ontario Municipal Board had ruled in 2007 against an appeal from the city calling for a stop to the plant.

A week later, Etobicoke Centre MPP and former energy minister Donna Cansfield published a letter to the editor of Mississauga News in which she stated that she opposed the plant ("Oppose the power plant", Mississauga News, June 9, 2011). This letter was also discussed in a news article two days later (Former minister fights against power plant", Mississauga News, June 11, 2011) and two weeks later ("MPP rebels against own government", Toronto Star, June 22, 2011).

On June 13, 2011 the Toronto Star reported that the plant was becoming an election issue ("Power plant becomes election issue"). Two days later, on June 15, Noel Grzetic reported for InsideToronto that MOE would review the plant ("MOE to review power plant", InsideToronto, June 15, 2011).

On June 20, 2011 the Premier commented on the issue ("McGuinty weighs in on power plant", Toronto Star, June 20, 2011). His remark "There's never a wrong time to do the right thing" was often referenced in the weeks and months to come.

The issue continued to be discussed, but not with direct criticism of the provincial government, for the next month. Then on July 25, it was reported that construction was going ahead on the site. This spurred new criticism from citizens doubtful that the province was likely to stop a plant that was already being built ("Power plant moves ahead", Mississauga News/Torstar, July 25, 2011).

On July 28, 2011 Greenfield South held a public meeting to discuss the power plant. A large number of residents forced their way into the meeting ("Residents storm public meeting over future power plant", Etobicoke Guardian, July 28, 2011) and heckled the proceedings.

Citizens held a public rally on September 15 to protest the plant ("Residents rally against Mississauga power plant", Toronto Star, September 16, 2011).

The next news on this issue was the Liberal promise to scrap the plant if they are re-elected to government ("Liberals scrap power plant", Toronto Star, September 24, 2011). Response to this news has been somewhat critical, particularly from the Toronto Sun ("Another grit flip-flop ; Liberals say they'll work to move power plant that was their idea in the first place", Toronto Sun, September 25, 2011").

It should be noted that this package was prepared without access to Adobe Acrobat and page numbering is not available.

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: September-26-11 1:30 PM
To: King, Ryan (ENERGY)
Subject: RE:

Thanks very much, Ryan! Do you or Rick recall receiving any legal advice on this matter within the last year or so (e.g. from Brenda or me?) If so, if you could let me know what the issue was and the advice sought and received, that would be great! In the meantime, I'll keep digging through my files!

Thanks!
James

From: King, Ryan (ENERGY)
Sent: September 26, 2011 1:24 PM
To: Rehob, James (ENERGY)
Subject:

James,
Below is material from our HN pertaining to Greenfield South. This has some of the key information about the plant as well as its approvals. Let me know if there's anything else you need.

Greenfield South

- Greenfield South Generating Station is a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. Part of the project's property will be dedicated to the City as greenbelt, and the plant will occupy roughly 2 hectares of the property.
- Eastern Power Ltd. is an equity contributor to Greenfield South Power Corporation, and is responsible for the project's design, engineering, and management, and provides operations and maintenance support. No information is available on any other partners.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition and holds a contract with the OPA.
- Approvals delays resulting from City of Mississauga opposition to the project at the EA and building permitting stages harmed the economic viability of the project.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- The project obtained environmental approval in 2008 from the Ministry of the Environment.
- The City of Mississauga issued a building permit on May 31, 2011 for the building that will house the generation equipment.
- The contract between Greenfield South and the Ontario Power Authority was renegotiated as a result of approvals delays, to extend the operational date.
- As of March 18, 2011, the OPA and Greenfield South have agreed to a new COD: Q3 2014.

- Greenfield intends to proceed with the project and has previously indicated that they would pursue litigation if the City or the province moved to prevent the plant from being built.
- Delays in the COD will exacerbate supply problems in the southwest GTA.
- The proponent has stated that all financing needed for construction of the project was finalized in May 2011. Public reports indicate that \$250 million in financing was provided by Morgan Stanley and EIG Global Energy Partners.
- As of July 20th, the proponent reports that it has begun to lay the foundations for the gas and steam turbine halls.
- Purchase orders for all of the plant's major equipment including the turbines and generators have been placed.
- Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding.
- On July 28th, the proponents will be holding their first monthly local liaison meeting to help foster communication with local residents.
- On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- The Environmental Approval for the generating plant is specific to the site, and is not transferable.

Ryan King | Sr. Advisor and Executive Assistant
 Energy Supply, Transmission and Distribution Policy Division
 Ministry of Energy | Tel: +1 416-314-6204

Cayley, Daniel (ENERGY)

From: Rehob, James (ENERGY)
Sent: September-26-11 2:09 PM
To: Linington, Brenda (ENERGY)
Subject: Greenfield South Gas Plant

Hi, have you provided any legal advice on the Greenfield South gas generation plant to be located in Mississauga? If so, can you provide me with a synopsis or copy of same? (I'm doing a note for Halyna).

Thanks,
James

James P. H. Rehob

Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
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Tel: 416-325-6676
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Cayley, Daniel (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: September-26-11 4:36 PM
To: King, Ryan (ENERGY)
Cc: McKeever, Garry (ENERGY); Jenkins, Allan (ENERGY)
Subject: FW: OPA MN -due tuesday 10am
Attachments: OPA DM biweekly (13 sep 2011)(estdp ree rasp) (AJ).doc

Ryan: Note with added item on Greenfield South.

Doug

From: Jenkins, Allan (ENERGY)
Sent: September 26, 2011 3:58 PM
To: MacCallum, Doug (ENERGY)
Subject: RE: OPA MN -due tuesday 10am

See attached for suggested addition.

From: MacCallum, Doug (ENERGY)
Sent: September 26, 2011 3:12 PM
To: Jenkins, Allan (ENERGY)
Subject: FW: OPA MN -due tuesday 10am

Allan: any edits? Perhaps Greenfield South?

Doug

From: King, Ryan (ENERGY)
Sent: September 26, 2011 9:01 AM
To: Chapman, Tom (ENERGY); MacCallum, Doug (ENERGY); Bishop, Ceiran (ENERGY); Collins, Jason R. (ENERGY); Krstev, Viki (ENERGY)
Subject: OPA MN -due tuesday 10am

Attached is the last version of the OPA bi-weekly MN. Please provide any edits for 10am tomorrow.
Thanks,
Ryan

Ryan King | Sr. Advisor and Executive Assistant
Energy Supply, Transmission and Distribution Policy Division
Ministry of Energy | Tel: +1 416-314-6204

MEETING NOTE

NAME OF ORGANIZATION: Ontario Power Authority
DATE/TIME OF MEETING: 15 September 4-5PM
LOCATION OF MEETING: Deputy Minister's Boardroom, 4th Floor, Hearst Block

PURPOSE: Bi-Weekly Meeting with Colin Andersen

ATTENDEES: Ontario Power Authority (OPA):
Colin Andersen, CEO

Ministry of Energy
David Lindsay, Deputy Minister

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7. Greenfield South Cancellation Campaign Announcement

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Greenfield South Cancellation Campaign Announcement

- On September 24, Mississauga South Liberal candidate Charles Sousa announced that a Liberal government would stop construction of the Greenfield South plant and would work with Eastern Power to choose a new site. The announcement was backed up by the Liberal leader.
- A Toronto Star article reports that the Conservative leader said that a he would not allow the plant to proceed.

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SUGGESTED RESPONSE

- Given reports of both Liberal and Conservatives saying that they would stop the Greenfield South plant it would be prudent for the OPA to prepare some analysis of the impacts if this were to happen and a strategy for terminating the contract.

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Input from: Allan Jenkins
Senior Policy Specialist, Energy Markets
416-325-6926

Amy Gibson
A/Manager, First Nation and Métis Policy and Partnerships
416-327-2116

Audrey Guillot
A/Manager, Strategic Policy
416-327-7178

Ceiran Bishop
Manager, Transmission Policy
416 327 7204

Karen Slawner, Sunita Chander, Mirrun Zaveri and Leo Tasca
Renewables and Energy Facilitation Branch
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Approved by: Jon Norman
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Garry McKeever
Director, Energy Supply and Competition
416-325-8627

Alex Killoch
Director, Planning and Agency Relations Branch
416-326-5572

Pearl Ing
Director, Renewables and Energy Facilitation
416-327-3868

Approved by: Rick Jennings
ADM, Energy Supply, Transmission & Distribution Policy
416-314-6190

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: September-26-11 4:43 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW: mississauga plant
Attachments: Greenfield South BN LSB (Sept 26-11) (2A).doc

Edits for your consideration.

From: Rehob, James (ENERGY)
Sent: September 26, 2011 4:29 PM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: mississauga plant

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

September 26, 2011

Good day, Halyna. I have prepared the draft note for your review. I note that quick but thorough a review of my electronic files revealed no legal advice having been provided by myself on that particular contract during any recent time-frame, and discussions with other counsel involved in the relevant part of our Energy practice areas confirmed these initial findings.

Let me know if you require anything further.

Kind regards,
James

From: Perun, Halyna N. (ENERGY)
Sent: September 26, 2011 12:32 PM
To: Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: mississauga plant

Hi James – Ken Lung has asked for a short note on the Mississauga Plant and the Lib candidates promise to stop its construction. Please provide a very short background on the plant, what stage it's at, what would be required to stop it, and advice our branch may have provided recently on the issue of cancellation. Please aim for end of day. Thank you James

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Confidential and Solicitor-Client Privileged

Ministry of the Attorney General

Briefing Note

Legal Services Division

Legal Services Branch – ENE/MOI

ISSUE:

- ~~Status of the Greenfield South Gas Generating Plant in Mississauga in light of Liberal Candidates' political promises to "cancel" construction of the plant.~~
- ~~Currently there are four Liberal candidates in Etobicoke and Mississauga (Donna Cansfield, Charles Sousa (in his riding), Laurel Broten, and Dipika Damerla) have articulated positions relating to terminating the Greenfield South project.~~

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BACKGROUND

- Greenfield South Generating Station is a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue (the "Greenfield project").
- The Greenfield project arose out of a Clean Energy Supply (CES) procurement process ~~arising out of a~~ 2004 ~~Clean Energy Supply (CES) Ministerial Procurement, where such~~ This contract, ~~with Greenfield South Power Corporation, s~~ ~~was~~ eventually ~~passed to~~ assumed by the OPA. ~~One of the CES contracts was awarded to Greenfield South Power Corporation (the proponent).~~
- The project ~~is important~~ ~~was undertaken~~ to meeting local reliability needs for the Southwest and Western GTA, and has been positioned as part of the coal closure strategy.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- ~~Currently there are four Liberal candidates in Etobicoke and Mississauga, Donna Cansfield, Charles Sousa (in his riding), Laurel Broten, and Dipika Damerla, who have referred to terminating the Greenfield South project.~~

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Approvals and Commercial Status

- In July, 2011, Greenfield reported ~~eds~~ proceeding with construction including laying foundations for the steam and gas turbine halls, and having ~~inge~~ placed orders for the major equipment (generators, turbines, etc.) involved.
- In June, 2011, MOE announced that it will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. To date, no end-date was set for this process. In May, 2011, the proponent finalized its

financing arrangements and the City of Mississauga issued Building Permits for the building housing the generation equipment.

- In March, 2011, OPA renegotiated ~~de~~ the initial Commercial Operation Date (C.O.D.) with the proponent, Greenfield Power Corp., in recognition of the lengthy regulatory approvals and financing delays experienced by Greenfield South. The new C.O.D. is the third quarter (Q3) of 2014.
- In 2008, MOE had granted all necessary environmental approvals.
 - However, there was a lengthy period of *force majeure* ~~(suspension of time pending resolution of regulatory and approval issues)~~ resulting from approval delays;
 - Greenfield South experienced two years of regulatory delays before MOE rendered its final decision denying a request for elevation.
- In 2007, the Ontario Municipal Board reviewed and approved of the zoning of the project site after a lengthy and protracted process.

Legal Options for Cancelling Greenfield South Contract

- Cancellation of the project at this stage would involve the termination of the ~~OPA~~ contract by the parties ~~on a commercial basis or by the OPA acting on instructions contained in a Ministerial Direction.~~
- Further study of the specific contract itself and the provisions sought to be utilized in any given scenario would be necessary to provide further certainty on remedies available to each party.
- Any ~~action by the City or the Ministry, and presumably the OPA, which involved the~~ cancellation of the Greenfield South Project carries the high risk of litigation, since the proponent may be quite prepared to bring suit to protect its financial interests, ~~including development costs incurred to date.~~
- ~~Note that an initial review of our records reveals that~~ LSB had not been asked to provide advice on this particular contract during any recent timeframe.

Date: September 26, 2011

Prepared by: James P.H. Rebob, Senior Counsel, Energy LSB

Approved by: Halyna Perun, A/Director
Legal Services Branch
Ministry of Energy/Ministry of Infrastructure

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: September-26-11 5:22 PM
To: McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: Re: Greenfield South

The CES RFP was run by the Ministry but the OPA (Jan Carr) signed the contract in April 2005.

Sent from my BlackBerry Wireless Handheld

From: McKeever, Garry (ENERGY)
To: Jennings, Rick (ENERGY)
Sent: Mon Sep 26 16:50:27 2011
Subject: Greenfield South

Do you remember if we (the Ministry) or the OPA signed the original contract? MO is asking. I have calls in to the OPA.

Cayley, Daniel (ENERGY)

From: Mitchell, Andrew (ENERGY)
Sent: September-26-11 6:33 PM
To: McKeever, Garry (ENERGY)
Subject: RE: Greenfield South

Thanks Garry

Andrew Mitchell

Tel: (416) 325-7747

Email: andrew.mitchell2@ontario.ca

From: McKeever, Garry (ENERGY)
Sent: September 26, 2011 6:19 PM
To: Mitchell, Andrew (ENERGY)
Subject: Fw: Greenfield South

Andrew

More on this from Rick who was heavily involved at the time
G

Garry McKeever
Sent from my BlackBerry

From: Jennings, Rick (ENERGY)
To: McKeever, Garry (ENERGY)
Sent: Mon Sep 26 18:08:29 2011
Subject: Re: Greenfield South

Would need to get from OPA (it would be net revenue requirement per month \$/MW/month).

It would have been among the lowest offers as only 3 other projects were taken - Greater Toronto Airport Authority, Calpine/Mitsubishi in Sarnia and Invenergy in Sarnia.

Other offers from OPG/TCE (Portlands) and Sithe (Mississauga and Brampton) for example were higher.

Contract price was adjusted post-2007 to take account of regulatory delays caused by the City of Mississauga.

Sent from my BlackBerry Wireless Handheld

From: McKeever, Garry (ENERGY)
To: Jennings, Rick (ENERGY)
Sent: Mon Sep 26 17:58:52 2011
Subject: Re: Greenfield South

Do you know what the estimated price we paid on that rfp? MONTH is asking

Garry McKeever
Sent from my BlackBerry

From: Jennings, Rick (ENERGY)
To: McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Sent: Mon Sep 26 17:22:21 2011
Subject: Re: Greenfield South

The CES RFP was run by the Ministry but the OPA (Jan Carr) signed the contract in April 2005.

Sent from my BlackBerry Wireless Handheld

From: McKeever, Garry (ENERGY)
To: Jennings, Rick (ENERGY)
Sent: Mon Sep 26 16:50:27 2011
Subject: Greenfield South

Do you remember if we (the Ministry) or the OPA signed the original contract? MO is asking. I have calls in to the OPA.

Cayley, Daniel (ENERGY)

From: Lung, Ken (JUS)
Sent: September-27-11 9:44 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: note re Mississauga Plant
Attachments: Greenfield South BN LSB (Sept 26-11) (2A) (2).doc

Please consider suggested changes. Intended at this point to be an FYI note for readers.

From: Perun, Halyna N. (ENERGY)
Sent: September 26, 2011 5:27 PM
To: Lung, Ken (JUS)
Cc: Calwell, Carolyn (ENERGY)
Subject: note re Mississauga Plant

Privileged and Confidential

Hi Ken – as requested, a note on the Mississauga Plant. Our legal branch has not been asked to provide any advice re cancellation.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Confidential and Solicitor-Client Privileged

Ministry of the Attorney General

Briefing Note

Legal Services Division

Legal Services Branch – ENE/MOI

ISSUE:

- Greenfield South Gas Generating Plant in Mississauga.

BACKGROUND

- Greenfield South Generating Station, once completed, will be ~~is~~ a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue (the “Greenfield project”).
- The Greenfield project arose out of a Clean Energy Supply (CES) procurement process in 2004. The procuring party was originally the Ministry of Energy?? -This contract, with Greenfield South Power Corporation, was eventually assumed by the OPA.
- The project was undertaken to meet local reliability needs for the Southwest and Western GTA and has been positioned as part of the coal closure strategy.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- On September XX, 2011, the government announced that the generating station would be re-located?? that there are discussions with the proponent for a new site??
- Currently there are four Liberal candidates in Etobicoke and Mississauga, Donna Cansfield, Charles Sousa (in his riding), Laurel Broten, and Dipika Damerla, who have referred to terminating the Greenfield South project.

Approvals and Commercial Status (from Ken: under this section, largely reversing the chronology)

- ~~In July 2011, Greenfield reported proceeding with construction including laying foundations for the steam and gas turbine halls, and having placed orders for the major equipment (generators, turbines, etc.) involved.~~
- ~~In June, 2011, MOE announced that it will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. To date, no end date was set for this process. In May, 2011, the proponent finalized its financing arrangements and the City of Mississauga issued Building Permits for the building housing the generation equipment.~~

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- In March, 2011, OPA renegotiated the initial Commercial Operation Date (C.O.D.) with the proponent, Greenfield Power Corp., in recognition of the lengthy regulatory approvals and financing delays experienced by Greenfield South. The new C.O.D. is the third quarter (Q3) of 2014.
- In 2008, MOE had granted all necessary environmental approvals.
 - However, there was a lengthy period of *force majeure* resulting from approval delays;
 - Greenfield South experienced two years of regulatory delays before MOE rendered its final decision denying a request for elevation.
- In 2007, the Ontario Municipal Board reviewed and approved of the zoning of the project site after a lengthy and protracted process.
- In 2008, MOE had granted all necessary environmental approvals.
- In March, 2011, OPA renegotiated the initial Commercial Operation Date (C.O.D.) with the proponent, Greenfield Power Corp., in recognition of the lengthy regulatory approvals and financing delays experienced by Greenfield South. The new C.O.D. is the third quarter (Q3) of 2014.
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Status Legal

Options for Cancelling Greenfield South Contract

- There is contract between the proponent and OPG relating to the power station. Construction has already commenced.
- Cancellation of the project at this stage would involve the termination of the contract by the parties.
- ENE Legal Services Branch has not been consulted prior to the announcement and currently does not have any information concerning any recent discussions with the proponent.
- Further study of the specific contract itself and the provisions sought to be utilized in any given scenario would be necessary to provide further certainty on remedies available to each party.

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- Any cancellation of the Greenfield South Project carries the high risk of litigation, since the proponent may be quite prepared to bring suit to protect its financial interests, including development costs incurred to date.
- LSB had not been asked to provide advice on this particular contract during any recent timeframe.

Date: September 26, 2011

Prepared by: James P.H. Rehob
Senior Counsel
5-6676

Approved by: Halyna Perun, A/Director
Legal Services Branch
Ministry of Energy/Ministry of Infrastructure
5-6681

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: September-27-11 10:30 AM
To: Lung, Ken (JUS); Perun, Halyna N. (ENERGY)
Subject: RE: note re Mississauga Plant
Attachments: Greenfield South BN LSB (Sept 27-11) (f).doc

Thanks for the suggestions, Ken. Please find attached a re-worked and cleaned up note that responds to your feedback.

Carolyn

From: Lung, Ken (JUS)
Sent: September 27, 2011 9:44 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: note re Mississauga Plant

Please consider suggested changes. Intended at this point to be an FYI note for readers.

From: Perun, Halyna N. (ENERGY)
Sent: September 26, 2011 5:27 PM
To: Lung, Ken (JUS)
Cc: Calwell, Carolyn (ENERGY)
Subject: note re Mississauga Plant

Privileged and Confidential

Hi Ken – as requested, a note on the Mississauga Plant. Our legal branch has not been asked to provide any advice re cancellation.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Ministry of the Attorney General

Briefing Note

Legal Services Division

Legal Services Branch – ENE/MOI

ISSUE:

- Greenfield South Gas Generating Plant in Mississauga.

BACKGROUND

- Greenfield South Generating Station, is a 280 MW combined cycle natural gas plant under construction in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue (the “Greenfield project”).
- The Greenfield project arose out of a Ministry of Energy Clean Energy Supply (CES) procurement process in 2004. This contract, with Greenfield South Power Corporation (“Greenfield Co.”), was eventually assumed by the OPA.
- The project was undertaken to meet local reliability needs for the Southwest and Western GTA and has been positioned as part of the coal closure strategy.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- On September 24, 2011, the government announced that construction of the generating station would stop and that the station would be relocated.

CHRONOLOGY

- In 2007, the Ontario Municipal Board reviewed and approved of the zoning of the project site after a lengthy and protracted process.
- In 2008, MOE granted all necessary environmental approvals.
- In March 2011, OPA renegotiated the initial Commercial Operation Date (C.O.D.) with Greenfield Co., in recognition of lengthy regulatory approvals and financing delays experienced by Greenfield Co. The new C.O.D. is the third quarter (Q3) of 2014.
- In May 2011, Greenfield Co. finalized its financing arrangements and the City of Mississauga issued Building Permits for the building housing the generation equipment.
- In June 2011, MOE announced that it will conduct an updated review of the approval for the gas plant to assess recent developments. No end-date was set for this process.

- In July 2011, Greenfield Co. reported that it had laid foundations for the steam and gas turbine halls and placed orders for the major equipment (generators, turbines, etc.).

Status

- There is contract between Greenfield Co. and OPG relating to the power station. Construction has already commenced.
- Cancellation of the project at this stage would involve the termination of the contract by the parties.
- ENE Legal Services Branch was not consulted prior to the announcement and currently does not have any information concerning any recent discussions with Greenfield Co.

Date: September 26, 2011

Prepared by: James P.H. Rehob
Senior Counsel
5-6676

Approved by: Halyna Perun, A/Director
Legal Services Branch
Ministry of Energy/Ministry of Infrastructure
5-6681

Cayley, Daniel (ENERGY)

From: Lindsay, Ken (ENERGY)
Sent: September-29-11 11:12 AM
To: King, Ryan (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

Hi Ryan,

Do you think you could have somebody give this man a call? Somehow he's got my telephone number and is requesting to speak to somebody about the power plant. Please let me know.

Thanks,

Ken

From: Len [mailto:lenny@nomoreisp.com]
Sent: September 28, 2011 3:49 PM
To: Lindsay, Ken (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Hello Ken,

That all depends. Political Figures lie. Especially during election periods. Sorry to be so blunt.

Is there any documented proof that the plant has been cancelled. Last I heard is that it will be moved... but to where... a block away?.

The announcement was vague and indeterminate. Please advise of any concrete proof of the cancellation of the plant – last I drove by the site – they were still working.....

-Len

From: Lindsay, Ken (ENERGY) [mailto:Ken.Lindsay@ontario.ca]
Sent: Wednesday, September 28, 2011 3:38 PM
To: lenny@nomoreisp.com
Subject: RE: Re GreenField South Power Plant Mississauga

Hello Mr. Di Marco,

I hope you heard the announcement re the power plant on the weekend. Do you still need to speak to somebody at the ministry? Please let me know.

Thanks,

Ken

From: Len [mailto:lenny@nomoreisp.com]
Sent: September 23, 2011 6:56 PM
To: Lindsay, Ken (ENERGY)
Subject: Re GreenField South Power Plant Mississauga

Hello Ken,

As per our conversation today – I would like to speak to someone of authority in regards to this power plant being built on behalf and at the request of the Ministry of Energy. I have major concerns regarding the safety and Health hazards of this plant given its proximity of approx 100m to the closed residential dwelling.

Please have someone contact me as soon as possible.

Thank you.

Lenny Di Marco

416.527.1379

Cayley, Daniel (ENERGY)

From: Lung, Ken (JUS)
Sent: September-27-11 12:15 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: note re Mississauga Plant
Attachments: Greenfield South BN LSB (Sept 27-11) (f).doc

Thank you. Just one small change near the end. It is "OPA" and not OPG? Is that correct? Thanks.

From: Calwell, Carolyn (ENERGY)
Sent: September 27, 2011 10:30 AM
To: Lung, Ken (JUS); Perun, Halyna N. (ENERGY)
Subject: RE: note re Mississauga Plant

Thanks for the suggestions, Ken. Please find attached a re-worked and cleaned up note that responds to your feedback.

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From: Lung, Ken (JUS)
Sent: September 27, 2011 9:44 AM
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Subject: FW: note re Mississauga Plant

Please consider suggested changes. Intended at this point to be an FYI note for readers.

From: Perun, Halyna N. (ENERGY)
Sent: September 26, 2011 5:27 PM
To: Lung, Ken (JUS)
Cc: Calwell, Carolyn (ENERGY)
Subject: note re Mississauga Plant

Privileged and Confidential

Hi Ken – as requested, a note on the Mississauga Plant. Our legal branch has not been asked to provide any advice re cancellation.

Halyna

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Briefing Note

Legal Services Division

Legal Services Branch – ENE/MOI

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Date: September 26, 2011

Prepared by: James P.H. Rehob
Senior Counsel
5-6676

Approved by: Halyna Perun, A/Director
Legal Services Branch
Ministry of Energy/Ministry of Infrastructure
5-6681

Cayley, Daniel (ENERGY)

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Sent: September-27-11 12:30 PM
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Subject: RE: note re Mississauga Plant
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Thanks – yes, it's OPA not OPG (apologies). The change is accepted in the attached.

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From: Lung, Ken (JUS)
Sent: September 27, 2011 12:15 PM
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Date: September 26, 2011

Prepared by: James P.H. Rehob
Senior Counsel
5-6676

Approved by: Halyna Perun, A/Director
Legal Services Branch
Ministry of Energy/Ministry of Infrastructure
5-6681

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: September-27-11 2:21 PM
To: Cayley, Daniel (ENERGY); Nutter, George (ENERGY)
Subject: B15
Attachments: B15 - New Gas-Fired Electricity Generation - TRANSITION - 26Sep11.sk.doc

I moved the Greenfield stuff so it appears first under general messaging – no other changes.

New Gas-Fired Electricity Generation

ISSUE:

What is the status of natural gas-fired generation plants that have been procured or are being planned in response to the government's goal of eliminating coal-fired

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Greenfield South

If asked about Liberal campaign commitment to relocate the plant:

- We do not comment on political campaign commitments.

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If asked about the status of/need for the plant:

- The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.
- As of July 20, 2011, the proponent reports that it has received its building permit for the plant and has begun to lay the foundations for the gas and steam turbine halls.
- On June 16, the Minister of the Environment announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments.

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If asked if the plant is going ahead to replace the cancelled OGS:

- The Greenfield South Power Plant has been in development since 2005 and its development is unrelated to the cancellation of the Oakville Generating Station.
- The southwest GTA requires additional power capacity
- In addition to this plant, the OPA is also looking at transmission options for the Southwest GTA.

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Oakville Generating Station

If asked about cancellation of proposed Oakville gas-fired plant and potential contract implications with TransCanada:

- We are in discussions with the OPA regarding the effect of cancelling the procurement of a gas-fired plant for Oakville, and the effect that will have on the contract with TransCanada.

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- ◆~~Natural Gas is much cleaner than coal, and enables coal closure which is the single largest climate change initiative in Canada — equivalent to removing up to 7 million vehicles from our roads by the end of 2014~~
- ◆~~Natural gas-fired “peaking” plants will ensure reliability in our electricity system as we develop new green energy.~~
- ◆~~By developing new green energy, along with other low or zero emissions power generation sources, Ontario is leading North America in the building of a clean electricity system by 2014.~~
- ◆~~Ontario’s clean electricity system will enable industries, residences, and transportation to plug into a low emission electricity supply which will lead to better air quality.~~

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If asked about government power to exempt energy projects from Planning Act

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Greenfield South

If asked about the status of/need for the plant:

- The Greenfield South plant is required to be able to meet needs for local and regional reliability for the Southwest and Western GTA.
- As of July 20th, 2011, the proponent reports that it has received its building permit for the plant and has begun to lay the foundations for the gas and steam turbine halls.
- On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- The Greenfield South Power Plant is part of the overall plan to eliminate coal-fired generation by the end of 2014.

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If asked if the plant is going ahead to replace the cancelled OGS:

- The Greenfield South Power Plant has been in development since 2005 and its development is unrelated to the cancellation of the Oakville Generating Station.
- The southwest GTA requires additional power capacity
- Greenfield South is part of the solution. In addition to this plant, the OPA is also looking at transmission options for the Southwest GTA.

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If asked about Liberal campaign commitment to relocate the plant:

- We do not comment on political campaign commitments.

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Oakville Generating Station

If asked about cancellation of proposed Oakville gas-fired plant and:

- As we developed the Long-Term Energy Plan, it became clear we no longer needed this plant in Oakville. With transmission investments we can keep the lights on and still shut down all dirty coal-fired generation.

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If asked about potential contract implications with TransCanada:

- We no longer need a gas plant in the South-West GTA. We are in discussions with the OPA Ontario Power Authority regarding the effect of cancelling the procurement of a gas-fired plant for Oakville, and the effect that will have on the contract that determination with TransCanada.
- TransCanada has long been an important part of Ontario's electricity sector. We value the role TransCanada plays and we expect that TransCanada will continue to play an important role.

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1. **Identify the main idea of the passage.**

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1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

■ **THE FUTURE OF THE FIRM** ■

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Status of New Gas-Fired Facilities:

Future In-Service Dates are **CONFIDENTIAL**

Project	Procurement Type	Size (MW)	Status	In-Service Date
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Greenfield South	CE	280.0	Approvals complete. Construction	Q3 2014
TransCanada Oakville Generating Station	GTA	900.0	Cancelled	NA
Kitchener-Waterloo-Cambridge-Guelph		450.0	Procurement direction not yet issued	TBD
TOTAL ONLINE		3702.6.1		
TOTAL		4825.6.6		

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Greenfield South

- Greenfield South Generating Station is a 280 MW combined cycle natural gas plant located in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue. Part of the project's property will be dedicated to the City as greenbelt, and the plant will occupy roughly 2 hectares of the property.
- Eastern Power Ltd. is an equity contributor to Greenfield South Power Corporation, and is responsible for the project's design, engineering, and management, and provides operations and maintenance support. No information is available on any other partners.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- The plant was selected in the Ministry of Energy Clean Energy Supply competition and holds a contract with the OPA.
- Approvals delays resulting from City of Mississauga opposition to the project at the EA and building permitting stages harmed the economic viability of the project.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- The project obtained environmental approval in 2008 from the Ministry of the Environment.
- The City of Mississauga issued a building permit on May 31, 2011 for the building that will house the generation equipment.
- The contract between Greenfield South and the Ontario Power Authority was renegotiated as a result of approvals delays, to extend the operational date.
- As of March 18, 2011, the OPA and Greenfield South have agreed to a new COD: Q3 2014.
- Greenfield intends to proceed with the project and has previously indicated that they would pursue litigation if the City or the province moved to prevent the plant from being built.
- Delays in the COD will exacerbate supply problems in the southwest GTA.
- The proponent has stated that all financing needed for construction of the project was finalized in May 2011. Public reports indicate that \$250 million in financing was provided by Morgan Stanley and EIG Global Energy Partners.

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- As of July 20th, the proponent reports that it has begun to lay the foundations for the gas and steam turbine halls.
- Purchase orders for all of the plant's major equipment including the turbines and generators have been placed.
- Residents in the surrounding community have reacted negatively because they assumed the project was not proceeding.
- On July 28th, the proponents will be holding their first monthly local liaison meeting to help foster communication with local residents.
- On June 16th, the Minister of the Environment John Wilkinson announced that the Ministry of the Environment will conduct an updated review of the approval for the Greenfield South facility to assess recent developments. The review will take as long as the ministry needs to confirm that the project can proceed in a manner that is fully protective of public health and the environment.
- The Environmental Approval for the generating plant is specific to the site, and is not transferable.
- On September 24th, several media outlets reported on the Liberal party's campaign commitment to relocate the proposed Greenfield South generating station to a location outside Mississauga and Oakville.
- In a news release, Ontario Liberal candidates Charles Sousa, Donna Cansfield, Laurel Broten and Dipika Damerla said the party would work with the developer to find a new location for the plant.
- The Ministry of the Environment's updated review of the approval for the plant is still ongoing.

Procurements

Clean Energy Supply RFP – 2,500 MW

- In 2004 and 2005 the Ministry developed and administered a Request for Proposals that ultimately resulted in 5 successful projects totaling 1,955 MW of gas-fired generating capacity
Unrelated content removed
- Unrelated content removed
- These contracts were transferred to the OPA for management.

Directives to the OPA: GTA

Sole Source Procurements

- Not enough capacity was secured in the GTA through the Clean Energy Supply RFP. To obtain the required supply, the OPA completed three procurements in the Greater Toronto Area: Sithe's Goreway Station; TransCanada's Halton Hills Generating Station; and Portlands Energy Centre.

Southwest GTA Procurement

- On July 16, 2008, Minister Smitherman announced that he would direct the OPA to launch a competitive bidding process for a combined-cycle natural gas plant of about 850 MW in the southwest GTA.
- On September 30, 2009, the Ontario Power Authority announced that it would sign a contract with TransCanada Corporation to design, build and operate a 900 MW electricity generating station in Oakville. TransCanada estimated the cost of the plant at \$1.2 billion.
- On October 7, 2010, Minister Duguid announced that the plant had been cancelled. The OPA is negotiating termination of the contract with TransCanada.

Potential non-GTA procurement (Kitchener-Waterloo-Cambridge):

- The Kitchener-Waterloo-Cambridge-Guelph area is a major automotive and "high tech" centre and is experiencing rapid population and economic growth. Peak demand is 1,400 MW and

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has been increasing at a rate double the provincial average. The region is host to several data centres that require a reliable power supply

- During the development of the IPSP, the OPA determined that for reliability and security reasons, and to contribute to coal replacement, additional simple cycle gas-fired electricity supply of 450 MW would be required.
- The preferred location for the facility is near the Preston Transformer Station in Cambridge, which would negate the need for a major transmission re-enforcement in the Cambridge area.
- The site search area lies within the Haldimand Tract. Ministry legal counsel has advised that notice be provided to Six Nations of the Grand River prior to issuance of a direction. The current plan is to arrange a Ministry/OPA briefing of Six Nations before a procurement is announced.
- TransCanada may be contracted to build the KWC facility as compensation for termination of the Oakville GS contract.

Unrelated
content
removed

[illegible]

Unrelated content removed

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Updated by: Keegan Tully, Advisor, Energy Supply
Energy Markets
(416) 325-6881

Prepared by: Allan Jenkins, Senior Policy Specialist
Energy Supply and Competition
(416) 325-6926

Approved by: Doug MacCallum, Manager
Energy Markets
(416) 325-6546

Garry McKeever, Director
Energy Supply and Competition
(416) 325-8627

Rick Jennings, ADM

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Office of Energy Supply, Transmission and Distribution
(416) 314-6190

Cayley, Daniel (ENERGY)

From: Lindsay, Ken (ENERGY)
Sent: September-28-11 3:27 PM
To: Pitkeathly, Doreen (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Yes... I have to leave soon.

From: Pitkeathly, Doreen (ENERGY)
Sent: September 28, 2011 3:26 PM
To: Lindsay, Ken (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Can we discuss when you're free?

From: Lindsay, Ken (ENERGY)
Sent: September 28, 2011 3:24 PM
To: Pitkeathly, Doreen (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

Do you have any idea who I could get to talk to this man?

From: Len [mailto:lenny@nomoreisp.com]
Sent: September 23, 2011 6:56 PM
To: Lindsay, Ken (ENERGY)
Subject: Re GreenField South Power Plant Mississauga

Hello Ken,

As per our conversation today – I would like to speak to someone of authority in regards to this power plant being built on behalf and at the request of the Ministry of Energy. I have major concerns regarding the safety and Health hazards of this plant given its proximity of approx 100m to the closed residential dwelling.

Please have someone contact me as soon as possible.

Thank you.

Lenny Di Marco

416.527.1379

Cayley, Daniel (ENERGY)

From: Pitkeathly, Doreen (ENERGY)
Sent: September-28-11 3:33 PM
To: Lindsay, Ken (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

The EA would be Ryan King. This is kind of political though -- so maybe it should go to the MO?

From: Lindsay, Ken (ENERGY)
Sent: September 28, 2011 3:24 PM
To: Pitkeathly, Doreen (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

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416.527.1379

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The announcement was vague and indeterminate. Please advise of any concrete proof of the cancellation of the plant – last I drove by the site – they were still working.....

-Len

From: Lindsay, Ken (ENERGY) [mailto:Ken.Lindsay@ontario.ca]
Sent: Wednesday, September 28, 2011 3:38 PM
To: lenny@nomoreisp.com
Subject: RE: Re GreenField South Power Plant Mississauga

Hello Mr. Di Marco,

I hope you heard the announcement re the power plant on the weekend. Do you still need to speak to somebody at the ministry? Please let me know.

Thanks,

Ken

From: Len [mailto:lenny@nomoreisp.com]
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Thank you.

Lenny Di Marco

416.527.1379

Fisher, Petra (ENERGY)

From: Lindsay, Ken (ENERGY)
Sent: September-29-11 11:19 AM
To: King, Ryan (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Thanks Ryan. What would be your suggestion re how to handle this now? He's expecting a response from me.

From: King, Ryan (ENERGY)
Sent: September 29, 2011 11:16 AM
To: Lindsay, Ken (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Hi Ken,
We've been given very strict instructions to not comment publicly on this issue for now. As it stands, this is a commitment of a political party and no formal decision from government has been made.

From: Lindsay, Ken (ENERGY)
Sent: September 29, 2011 11:12 AM
To: King, Ryan (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

Hi Ryan,

Do you think you could have somebody give this man a call? Somehow he's got my telephone number and is requesting to speak to somebody about the power plant. Please let me know.

Thanks,

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Please have someone contact me as soon as possible.

Thank you.

Lenny Di Marco

416.527.1379

Cayley, Daniel (ENERGY)

From: Ronald Kwan <Ronald.Kwan@ofina.on.ca>
Sent: September-29-11 12:20 PM
To: McKeever, Garry (ENERGY)
Subject: Meeting with the OPA

Contacts: Garry McKeever

Hi Garry,

I had a question regarding the briefing from the OPA on the SWGTA. I've not been very involved in the file to-date and had some basic questions which I didn't raise at the meeting.

Is the arbitration process under the contract between the OPA and TCE, or is it an arbitration process arising out of the litigation process TCE gave notice on to sue the Crown? Who are then parties to the arbitration – TCE, the OPA, and/or the Province?

Is the arbitration process binding arbitration, and has it been agreed to or just proposed?

Thanks,
Ron

This message, including any attachments, is meant only for the use of the individual(s) to whom it is intended and may contain information that is privileged/confidential. Any unauthorized use, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by reply e-mail and permanently delete this message, including any attachments, without reading them, and destroy all copies. Thank you.

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: September-29-11 11:29 AM
To: King, Ryan (ENERGY); Lindsay, Ken (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Ken – we can give this gentleman a call if that helps ...

From: King, Ryan (ENERGY)
Sent: September 29, 2011 11:27 AM
To: Lindsay, Ken (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

We have no comment. Right now this is a campaign announcement –nothing more at this stage - and we do not have any more information that what has already been covered by the media.

From: Lindsay, Ken (ENERGY)
Sent: September 29, 2011 11:19 AM
To: King, Ryan (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Thanks Ryan. What would be your suggestion re how to handle this now? He's expecting a response from me.

From: King, Ryan (ENERGY)
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Sent: September 29, 2011 11:12 AM
To: King, Ryan (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

Hi Ryan,

Do you think you could have somebody give this man a call? Somehow he's got my telephone number and is requesting to speak to somebody about the power plant. Please let me know.

Thanks,

Ken

Thank you.

Lenny Di Marco

416.527.1379

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: September-29-11 11:36 AM
To: Nutter, George (ENERGY)
Cc: Gerard, Paul (ENERGY); Lindsay, Ken (ENERGY); King, Ryan (ENERGY)
Subject: RE: Public Inquiry re GreenField South Power Plant Mississauga

Came in through correspondence actually.

From: Nutter, George (ENERGY)
Sent: September 29, 2011 11:36 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Gerard, Paul (ENERGY); Lindsay, Ken (ENERGY); King, Ryan (ENERGY)
Subject: Re: Public Inquiry re GreenField South Power Plant Mississauga

I still handle inquiries coming through MO/DMO reception.

If this enquiry came through media line, either your staff can respond or I can -- following the same message of we can't respond to campaign statements.

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy &
Ministry of Infrastructure
416-326-9602 Queen's Park
647-220-1183 Mobile

Sent from my BlackBerry® wireless device

From: Kovesfalvi, Sylvia (ENERGY)
To: Nutter, George (ENERGY)
Cc: Gerard, Paul (ENERGY); Lindsay, Ken (ENERGY); King, Ryan (ENERGY)
Sent: Thu Sep 29 11:33:10 2011
Subject: Public Inquiry re GreenField South Power Plant Mississauga

Hey George – are public inquiries still coming in to you?

Ken just got an email from a citizen asking about Greenfield (note his email address is “no more isp”).

Do we know if we've received any queries through our call centre?

We can call him back and follow our media lines (we don't comment on campaign promises).

I'll also check in with Rhonda before any of us call him back.

From: King, Ryan (ENERGY)
Sent: September 29, 2011 11:27 AM
To: Lindsay, Ken (ENERGY)

Cc: Kovesfalvi, Sylvia (ENERGY)

Subject: RE: Re GreenField South Power Plant Mississauga

We have no comment. Right now this is a campaign announcement –nothing more at this stage - and we do not have any more information that what has already been covered by the media.

From: Lindsay, Ken (ENERGY)

Sent: September 29, 2011 11:19 AM

To: King, Ryan (ENERGY)

Cc: Kovesfalvi, Sylvia (ENERGY)

Subject: RE: Re GreenField South Power Plant Mississauga

Thanks Ryan. What would be your suggestion re how to handle this now? He's expecting a response from me.

From: King, Ryan (ENERGY)

Sent: September 29, 2011 11:16 AM

To: Lindsay, Ken (ENERGY)

Cc: Kovesfalvi, Sylvia (ENERGY)

Subject: RE: Re GreenField South Power Plant Mississauga

Hi Ken,

We've been given very strict instructions to not comment publicly on this issue for now. As it stands, this is a commitment of a political party and no formal decision from government has been made.

From: Lindsay, Ken (ENERGY)

Sent: September 29, 2011 11:12 AM

To: King, Ryan (ENERGY)

Subject: FW: Re GreenField South Power Plant Mississauga

Hi Ryan,

Do you think you could have somebody give this man a call? Somehow he's got my telephone number and is requesting to speak to somebody about the power plant. Please let me know.

Thanks,

Ken

From: Len [mailto:lenny@nomoreisp.com]

Sent: September 28, 2011 3:49 PM

To: Lindsay, Ken (ENERGY)

Subject: RE: Re GreenField South Power Plant Mississauga

Hello Ken,

That all depends. Political Figures lie. Especially during election periods. Sorry to be so blunt.

Is there any documented proof that the plant has been cancelled. Last I heard is that it will be moved... but to where... a block away?.

The announcement was vague and indeterminate. Please advise of any concrete proof of the cancellation of the plant – last I drove by the site – they were still working.....

-Len

From: Lindsay, Ken (ENERGY) [mailto:Ken.Lindsay@ontario.ca]
Sent: Wednesday, September 28, 2011 3:38 PM
To: lenny@nomoreisp.com
Subject: RE: Re GreenField South Power Plant Mississauga

Hello Mr. Di Marco,

I hope you heard the announcement re the power plant on the weekend. Do you still need to speak to somebody at the ministry? Please let me know.

Thanks,

Ken

From: Len [mailto:lenny@nomoreisp.com]
Sent: September 23, 2011 6:56 PM
To: Lindsay, Ken (ENERGY)
Subject: Re GreenField South Power Plant Mississauga

Hello Ken,

As per our conversation today – I would like to speak to someone of authority in regards to this power plant being built on behalf and at the request of the Ministry of Energy. I have major concerns regarding the safety and Health hazards of this plant given its proximity of approx 100m to the closed residential dwelling.

Please have someone contact me as soon as possible.

Thank you.

Lenny Di Marco

416.527.1379

Cayley, Daniel (ENERGY)

From: Ranalli, David (ENERGY)
Sent: September-30-11 4:34 PM
To: Cross, Annamaria (ENERGY); Stoiko, Andrea (ENERGY)
Subject: RE:

There is no reference to the const challenge in the deck called Electricity Supply Issues. Am I dreaming? Also - have the client divisions taken a look at the Greenfield South deck and the TransCanada Agreement deck? I know these two issues came up this week.

Happy to discuss. We're still reading through the other 3 decks.

dr

-----Original Message-----

From: Cross, Annamaria (ENERGY)
Sent: September 29, 2011 4:31 PM
To: Stoiko, Andrea (ENERGY)
Cc: Ranalli, David (ENERGY)
Subject:

Hi Andrea

Please send David the following decks electronically:

- Conservation Issues (includes constitutional challenge)
- Electricity Supply Issues (includes Constitutional Challenge)
- IPSP (includes requirement to file procurement plan)
- Green Energy Investment Agreement (nothing specific to flag for legal, but I know Carolyn has been very involved in the agreement)

Thanks
Anna

Sent from my BlackBerry

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-05-11 11:10 AM
To: Lindsay, Ken (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

The issue is that he seems to think we're holding back information. That is not the case. There has been no formal change in the status of this particular project, however, that may change in light of recent campaign announcements but that is speculative.

From: Lindsay, Ken (ENERGY)
Sent: October 5, 2011 11:07 AM
To: King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

I will send him a response with the suggested messaging. However, this gentleman really wants to speak to somebody so I guarantee that he won't be satisfied with this.

From: King, Ryan (ENERGY)
Sent: October 5, 2011 11:03 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Lindsay, Ken (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

The messaging below will have to suffice. You could clarify that as this is a campaign commitment, the Public Service is under strict requirements to maintain neutrality, etc. We have no more information than he does. I don't see how us calling him will help.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 5, 2011 10:47 AM
To: King, Ryan (ENERGY)
Cc: Lindsay, Ken (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

Hi Ryan – Ken Lindsay, our correspondence manager, received a call and an email from a citizen asking about Greenfield. Ken and I have discussed a few times. I've suggested the response below but Ken believes (rightly so), there will be follow-up questions. Environment has advised to say no more than what's below. And in general terms, CO has advised that our only public messaging on Greenfield is we don't comment on a campaign commitment.

Would it make sense for your folks to call Lenny back and state what's below?

From: Lindsay, Ken (ENERGY)
Sent: October 5, 2011 10:34 AM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Do you mean am I comfortable writing this?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 5, 2011 9:26 AM
To: Lindsay, Ken (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Are you comfortable with this? (don't send yet- let me know if you are ok with this first)

Hello Len.

Thank you for your email.

This is a campaign commitment.

We don't have any more information at this time.

From: Lindsay, Ken (ENERGY)
Sent: October 5, 2011 8:32 AM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Fw: Re GreenField South Power Plant Mississauga

This is what I was afraid of. Siggestions?

From: Len <lenny@nomoreisp.com>
To: Lindsay, Ken (ENERGY)
Sent: Wed Oct 05 01:07:59 2011
Subject: FW: Re GreenField South Power Plant Mississauga

Hello Ken,

Still no response in over a week?
Speaks volumes of how open, transparent, and accessible the Ministry of Energy is.

I am quite disappointed.

-Len

From: Len [mailto:lenny@nomoreisp.com]
Sent: Wednesday, September 28, 2011 3:49 PM
To: 'Lindsay, Ken (ENERGY)'
Subject: RE: Re GreenField South Power Plant Mississauga

Hello Ken,

That all depends. Political Figures lie. Especially during election periods. Sorry to be so blunt.

Is there any documented proof that the plant has been cancelled. Last I heard is that it will be moved... but to where... a block away?.

The announcement was vague and indeterminate. Please advise of any concrete proof of the cancellation of the plant – last I drove by the site – they were still working.....

Fisher, Petra (ENERGY)

From: Lindsay, Ken (ENERGY)
Sent: October-05-11 11:59 AM
To: King, Ryan (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

fyi

From: Len [mailto:lenny@nomoreisp.com]
Sent: October 5, 2011 11:53 AM
To: Lindsay, Ken (ENERGY)
Subject: RE: Re GreenField South Power Plant Mississauga

Im sorry, Im confused. Because of a campaign commitment, I cannot question the Ministry of Energy. If this is what the liberal government has become... then so be it. This province will become blue like the federal election has. Dirty politics....

-Len

From: Lindsay, Ken (ENERGY) [mailto:Ken.Lindsay@ontario.ca]
Sent: Wednesday, October 05, 2011 11:14 AM
To: lenny@nomoreisp.com
Subject: RE: Re GreenField South Power Plant Mississauga

Hello Len,

Thank you for your follow up email and I'm sorry for the delay in replying to you. I have followed up and because this is a campaign commitment, we don't have any more information at this time.

Again, thank you for your patience.

Ken

From: Len [mailto:lenny@nomoreisp.com]
Sent: October 5, 2011 1:08 AM
To: Lindsay, Ken (ENERGY)
Subject: FW: Re GreenField South Power Plant Mississauga

Hello Ken,

Still no response in over a week?
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I am quite disappointed.

-Len

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Please have someone contact me as soon as possible.

Thank you.

Lenny Di Marco

416.527.1379

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-05-11 2:52 PM
To: Kulendran, Jesse (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Gerard, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Hudak promises to stop Mississauga power plant that McGuinty said he'd...

Thanks Jesse - that's our plan.

From: Kulendran, Jesse (ENERGY)
Sent: October 5, 2011 2:51 PM
To: Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Gerard, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Hudak promises to stop Mississauga power plant that McGuinty said he'd...

This is a campaign commitment. It should be treated the same (in terms of distribution, media calls) as the previous commitment on this issue.

-----Original Message-----

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 5, 2011 2:50 PM
To: King, Ryan (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY)
Cc: Gerard, Paul (ENERGY)
Subject: FW: Hudak promises to stop Mississauga power plant that McGuinty said he'd...

We will be distributing this shortly.

-----Original Message-----

From: Command News [mailto:fp.NEWS.SKOVESFALVI@commandnews.com]
Sent: October 5, 2011 2:23 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Hudak promises to stop Mississauga power plant that McGuinty said he'd...

Profile: SKOVESFALVI / 2nd Drawer / Energy News (Ontario) - Clip 24 (limit 100)
Oct 05 2011 14:22:00 - Source: ENE [The Canadian Press]

Hudak promises to stop Mississauga power plant that McGuinty said he'd scrap (**>Ont<** -Elxn-Conservative)
By Maria Babbage

THE CANADIAN PRESS

MISSISSAUGA, **>Ont.<** _ Progressive Conservative Leader Tim Hudak pledged Wednesday to get rid of a gas-fired power plant west of Toronto, just one day before **>Ontario<** voters head to the polls.

The Tory leader has repeatedly derided Premier Dalton McGuinty for promising to pull the plug on the 280-megawatt facility midway through the campaign, calling it a crass attempt to grab votes.

Asked if he'd scrap the Mississauga plant if he formed the next government, Hudak replied: "That's right. Done. Done, done, done."

The plant's site is also located in a key battleground in the provincial election – the so-called 905 area outside Toronto that was painted Tory blue in May's federal election.

And with recent polls indicating that the Liberals have a healthy lead going into Thursday's vote, the Tories are pulling out all the stops to convince voters to support them.

On Wednesday, Hudak took reporters and supporters to a parking lot near the plant site to show that construction is still going on despite the Liberal leader's pledge.

"Look behind me. I mean, this is a living, breathing example of a broken Dalton McGuinty promise," he said.

"How much money are taxpayers going to have to shovel into the ground? And he said the project was cancelled, well then why is work still continuing to this day?"

The Tories never supported the plant, which the Liberals tried to foist on a community that didn't want it, he said.

"To make matters worse, for six years he says it's the right thing, and then 11 days before election day, he does a flip-flop?" Hudak said. "We need a change in our province."

A PC government would go to willing communities like Nanticoke and Lambton, which already have transmission lines and a workforce at power production facilities, he said.

Some local residents who oppose the plant say they're not impressed with Hudak's last-minute pledge, and aren't thrilled with McGuinty's either.

Lori Anastacio, who opposes the plant, said seeing construction at the site is "very frustrating" given that the Liberals promised to stop the plant.

"Yes, it's very odd that they brought it up at the last minute before elections, when they could have cancelled it before," she said.

"It's clearly obvious they're using it. But also the PCs are using it as a card right now. The problem is, it's at the expense of the people."

Residents have long opposed the Greenfield South plant, which straddles the Toronto-Mississauga border, saying it was too close to homes, schools, a hospital, a hospice and a large mall.

Cayley, Daniel (ENERGY)

From: McMichael, Rhonda (CAB)
Sent: October-05-11 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Gerard, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Hudak promises to stop Mississauga power plant that McGuinty said he'd...

Ps advise if you get any media calls re: this and we will treat as we have been. Thanks.

-----Original Message-----

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 5, 2011 2:49 PM
To: McMichael, Rhonda (CAB)
Cc: Gerard, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Hudak promises to stop Mississauga power plant that McGuinty said he'd...

This will likely draw some more attention.

We will stick with existing media lines - (don't comment on campaign platforms).

-----Original Message-----

From: Command News [mailto:fp.NEWS.SKOVESFALVI@commandnews.com]
Sent: October 5, 2011 2:23 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Hudak promises to stop Mississauga power plant that McGuinty said he'd...

Profile: SKOVESFALVI / 2nd Drawer / Energy News (Ontario) - Clip 24 (limit 100) Oct 05 2011 14:22:00 - Source: ENE [The Canadian Press]

Hudak promises to stop Mississauga power plant that McGuinty said he'd scrap (**>Ont<** -Elxn-Conservative) By Maria Babbage

THE CANADIAN PRESS

MISSISSAUGA, **>Ont.<** _ Progressive Conservative Leader Tim Hudak pledged Wednesday to get rid of a gas-fired power plant west of Toronto, just one day before **>Ontario<** voters head to the polls.

The Tory leader has repeatedly derided Premier Dalton McGuinty for promising to pull the plug on the 280-megawatt facility midway through the campaign, calling it a crass attempt to grab votes.

Asked if he'd scrap the Mississauga plant if he formed the next government, Hudak replied: "That's right. Done. Done, done, done."

The plant's site is also located in a key battleground in the provincial election _ the so-called 905 area outside Toronto that was painted Tory blue in May's federal election.

And with recent polls indicating that the Liberals have a healthy lead going into Thursday's vote, the Tories are pulling out all the stops to convince voters to support them.

On Wednesday, Hudak took reporters and supporters to a parking lot near the plant site to show that construction is still going on despite the Liberal leader's pledge.

"Look behind me. I mean, this is a living, breathing example of a broken Dalton McGuinty promise," he said.

"How much money are taxpayers going to have to shovel into the ground? And he said the project was cancelled, well then why is work still continuing to this day?"

The Tories never supported the plant, which the Liberals tried to foist on a community that didn't want it, he said.

"To make matters worse, for six years he says it's the right thing, and then 11 days before election day, he does a flip-flop?"

Hudak said. "We need a change in our province."

A PC government would go to willing communities like Nanticoke and Lambton, which already have transmission lines and a workforce at power production facilities, he said.

Some local residents who oppose the plant say they're not impressed with Hudak's last-minute pledge, and aren't thrilled with McGuinty's either.

Lori Anastacio, who opposes the plant, said seeing construction at the site is "very frustrating" given that the Liberals promised to stop the plant.

"Yes, it's very odd that they brought it up at the last minute before elections, when they could have cancelled it before," she said.

"It's clearly obvious they're using it. But also the PCs are using it as a card right now. The problem is, it's at the expense of the people."

Residents have long opposed the Greenfield South plant, which straddles the Toronto-Mississauga border, saying it was too close to homes, schools, a hospital, a hospice and a large mall.

McGuinty said the community had changed significantly since the plant was proposed in 2005, which was why his party had changed tack.

Four local Liberal candidates made the promise to stop construction of the plant in a barely publicized announcement Sept. 24.

The New Democrats haven't said what they'd do with the plant. But both Hudak and McGuinty need to be clear about how much their promises will cost, said leader Andrea Horwath.

"Last-minute promises like that, people have to decide whether they're credible or they're not," she said in Niagara Falls.

"Now Mr. Hudak's making the same claim, we don't know what that's going to cost. I think what both these guys need to do is be really upfront with the public about what the cost of cancelling these deals is going to be."

Hudak shrugged off a recent poll that suggests the Liberals will form a historic third majority government _ a major shift from those taken this summer that indicated the Tories were well ahead.

“I think you’re seeing polls that are predicting Liberals, polls predicting PCs,” he said. “Ultimately tomorrow, voters are going to decide. And I’m confident that voters want change.”

Some experts say Hudak’s focus on wedge issues _ like calling a proposed Liberal tax credit for new immigrants an “affirmative action” program for foreign workers _ did the Tories no favours during the campaign.

But the rookie leader expressed no regrets Wednesday.

“I’m proud of our team, I’m proud of how hard they worked and the ideas that we have in Changebook,” he said.

“Relief for families, more private sector jobs, reining in government spending _ and that came from hardworking families right across this province.”

INDEX: UTILITIES ENVIRONMENT ONTARIO POLITICS Visit thecanadianpress.com for more services from The Canadian Press, Canada's trusted news leader.

Cayley, Daniel (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: October-05-11 3:37 PM
To: King, Ryan (ENERGY)
Cc: Chapman, Tom (ENERGY); Jenkins, Allan (ENERGY); Christie, Tim (ENERGY)
Subject: FW: Supply Issues - Transition 2011 - 05OCT 2011AJ rev.ppt
Attachments: Supply Issues - Transition 2011 - 05OCT 2011AJ rev KT.ppt

[Revised deck](#)

[Doug](#)

From: Tully, Keegan (ENERGY)
Sent: October 5, 2011 3:27 PM
To: MacCallum, Doug (ENERGY)
Subject: RE: Supply Issues - Transition 2011 - 05OCT 2011AJ rev.ppt

Here is the deck with the additional changes.

Keegan

From: MacCallum, Doug (ENERGY)
Sent: October 5, 2011 2:04 PM
To: Tully, Keegan (ENERGY)
Subject: FW: Supply Issues - Transition 2011 - 05OCT 2011AJ rev.ppt

[Doug](#)

From: Jenkins, Allan (ENERGY)
Sent: October 5, 2011 10:10 AM
To: MacCallum, Doug (ENERGY)
Subject: Supply Issues - Transition 2011 - 05OCT 2011AJ rev.ppt

My revisions. Password is Thanksgiving.

ELECTRICITY SUPPLY ISSUES

(COAL, GAS, ENERGY FROM WASTE, WATERPOWER, NON-UTILITY GENERATORS)

ISSUES BRIEFING

20 SEPTEMBER 2011

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NEW NATURAL GAS-FIRED GENERATION

- Natural gas-fired generation has a relatively low cost compared to most other sources of new generation.
- The large natural gas generation facilities can be dispatched to provide power when it is needed.
- Natural gas is helping to replace coal-fired generation and integrate intermittent renewable generation leading to lower carbon emissions from Ontario's electricity mix.
- Through various Ministerial directions, the OPA has procured 5,277 megawatts (MW) of new natural gas-fired generation capacity of which 4,154 MW is already operating.
- The Ontario Power Authority has indicated a need to procure one additional new plant of approximately 450 MW in the Kitchener-Waterloo-Cambridge area.
- Four plants located in the GTA have been the subject of strong local municipal and public opposition. (Portlands Energy Centre in Toronto has been built and operating for several years and is no longer contentious.)
- If there are further delays or cancellation of new gas-fired generators, it could lead to decreased reliability during periods of peak demand in areas where the new facilities are planned or under construction.

ONTARIO POWER AUTHORITY GAS PLANT PROCUREMENTS

Project	Location	Size (MW)	Status	In-service Date
Unrelated content removed				
Greenfield South	Mississauga	280.0	Construction	Q3 2014
TransCanada Oakville	Oakville	900.0	Cancelled	Not Applicable
Kitchener-Waterloo-Cambridge-Guelph	To be determined	450.0	Procurement direction not yet issued.	To be determined
Total Online		4,153.9		
Total		5,276.9		

Unrelated content removed

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GTA GAS PLANTS - GREENFIELD SOUTH

- Greenfield South is a 280 MW combined cycle gas fired generating plant that was procured through a 2005 competition conducted by the Ministry of Energy and the contract is now managed by the OPA.
- The plant will be built and operated by Eastern Power Ltd and is located in southern Mississauga near the Etobicoke border. The plant is only now under construction as a result of several municipal and other permitting delays.
- The project's approval was delayed due to City of Mississauga opposition at the Environmental Approval and building permitting stages. As a result, Eastern Power's contract was renegotiated to extend the operational date to the third quarter of 2014.
- The Ontario Municipal Board reviewed municipal planning and zoning in 2007 and determined that the site was properly zoned and suitable for this type of electricity generation facility.
- The Ministry of the Environment is conducting an updated review of the approval for the Greenfield South facility to assess recent developments. There is no fixed timeline for this review.
- The facility will be 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 kilometres from the nearest school.

GTA GAS PLANTS – OAKVILLE GS (CONFIDENTIAL COMMERCIALY SENSITIVE)

- On September 30, 2009, the Ontario Power Authority announced that it would sign a contract with TransCanada Corporation to design, build and operate a 900 MW electricity generating station in Oakville. TransCanada estimated the cost of the plant at \$1.2 billion.
- On October 7, 2010, the government announced that the plant would not proceed.
- TransCanada, Infrastructure Ontario, OPG, and Ministries of Energy and Finance have been seeking to negotiate non-financial options for settling the dispute that could include the transfer of assets or project development opportunities. The negotiations are ongoing.
- TransCanada, the Province and the OPA have signed an arbitration agreement related to the termination of the Oakville Generating Station project. The arbitration agreement sets out the framework for the determination of the reasonable damages which TCE is entitled as a result of the termination of the contract should the negotiations fail to reach an agreeable solution
- The facility would have been located 300 metres from the nearest school (academy), 400 metres from the nearest residence and 3 kilometres from the nearest hospital.

Unrelated content removed

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Cayley, Daniel (ENERGY)

From: Cross, Annamaria (ENERGY)
Sent: October-05-11 4:23 PM
To: King, Ryan (ENERGY)
Subject: RE: Supply Issues - Transition 2011 - 05OCT 2011AJ rev KT (v3).ppt

Okay. Minor questions on the Greenfield slide.

From: King, Ryan (ENERGY)
Sent: October 5, 2011 4:23 PM
To: Cross, Annamaria (ENERGY)
Subject: Supply Issues - Transition 2011 - 05OCT 2011AJ rev KT (v3).ppt

Just on a call, but please use this version. I'll call you in a couple minutes.

Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-06-11 11:07 PM
To: Jennings, Rick (ENERGY)
Subject: Re: Greenfield south

You're forgetting that the Premier said it had nothing to do with getting votes.

Garry McKeever
Sent from my BlackBerry

----- Original Message -----

From: Jennings, Rick (ENERGY)
To: McKeever, Garry (ENERGY)
Sent: Thu Oct 06 22:54:35 2011
Subject: Re: Greenfield south

The Liberals have won all 5 seats in Mississauga handily so they will see this the cancellation as a big success.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: McKeever, Garry (ENERGY)
To: Jennings, Rick (ENERGY)
Sent: Thu Oct 06 22:22:50 2011
Subject: Greenfield south

Just saw some liberal types in a Mississauga election HQ being asked 'what about the cost of cancelling this plant where they have already poured concrete?'. Answer was 'they were warned back in May that any work they did was at their own risk and not the responsibility'.Interesting.

Garry McKeever
Sent from my BlackBerry

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-07-11 1:15 PM
To: Jenkins, Allan (ENERGY)
Subject: RE: SWGTA

Ok, thanks

From: Jenkins, Allan (ENERGY)
Sent: October 7, 2011 1:14 PM
To: King, Ryan (ENERGY)
Subject: Re: SWGTA

No. It was selected in the 2500 MW CES procurement run by the ministry in 2004-2005.

Sent from my BlackBerry Wireless Handheld

From: King, Ryan (ENERGY)
To: Jenkins, Allan (ENERGY)
Sent: Fri Oct 07 13:04:32 2011
Subject: SWGTA

The Southwest Greater Toronto Area RFP: was this the RFP under which Greenfield S was successful?

Ryan King | Sr. Advisor and Executive Assistant
Energy Supply, Transmission and Distribution Policy Division
Ministry of Energy | Tel: +1 416-314-6204

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-07-11 4:39 PM
To: Perun, Halyna N. (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: RE: miisissauga GP

Garry and Allan, however, neither are in today but will be in on Tuesday. We will likely need to discuss options with the contract managers at the OPA. I gave a heads-up to the OPA in a general sense about this yesterday, so the procurement people there are aware of it. I believe that David was going to mention it to Collin Andersen today.

From: Perun, Halyna N. (ENERGY)
Sent: October 7, 2011 4:14 PM
To: Jennings, Rick (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: miisissauga GP

Privileged and Confidential

Options

Hi Rick – I received the Deputy's message. We'll be working up the legal options and I am assuming that you and I should collaborate on one product. Whom should we be working with in your office?

Thanks Rick

Halyna

Halyna N. Perun
A/Director
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777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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Cayley, Daniel (ENERGY)

From: Roszell, Rand (ENE)
Sent: October-07-11 5:21 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: need to speak to you

Thanks - if we don't connect tonight, am in Tues c. 8:15, then in SMC from 10-12:30.

Am asking 2 of my colleagues to meet first thing Tuesday to discuss
Then will see Kevin @ SMC @ 10.

Also, look fwd to your note...have a great week-end if we don't chat

From: Perun, Halyna N. (ENERGY)
To: Roszell, Rand (ENE)
Sent: Fri Oct 07 17:14:04 2011
Subject: RE: need to speak to you

Wed morning

Halyna

Halyna N. Perun
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Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
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From: Roszell, Rand (ENE)
Sent: October 7, 2011 5:08 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: need to speak to you

Thanks for the heads' up - when's the session?

From: Perun, Halyna N. (ENERGY)
To: Roszell, Rand (ENE)
Sent: Fri Oct 07 17:06:13 2011
Subject: RE: need to speak to you

Privileged and Confidential

Your client Kevin French has been invited to a "brainstorming session" with the Secretary of Cabinet on a matter that also concerns Energy and we're to assist in creating options for that discussion. Pertains to the Mississauga Gas Plant. I've been invited to attend – and am sending a note to Malliha as a head's up shortly – I'll copy you on that note. I'll try to reach you at home this evening before I head up north for the weekend

Halyna

Halyna N. Perun
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From: Roszell, Rand (ENE)
Sent: October 7, 2011 4:52 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: need to speak to you

Am in (public) transit.

Can you call me @ home c. 6:15 -289 239 7953 or drop me a discreet e-mail?

From: Perun, Halyna N. (ENERGY)
To: Roszell, Rand (ENE)
Sent: Fri Oct 07 16:10:29 2011
Subject: need to speak to you

Hi rand – are you available for a short call? – rather urgent – thank you

Halyna

Halyna N. Perun
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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-07-11 5:33 PM
To: Calwell, Carolyn (ENERGY)
Subject: RE: Cancelling Green South Gas Plant / Preliminary Advice on Options and Issues

Spoke to Mike Lyle and he's going to send us the contract when he digs it up – Tuesday –

Halyna

Halyna N. Perun
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From: Calwell, Carolyn (ENERGY)
Sent: October 7, 2011 5:32 PM
To: Perun, Halyna N. (ENERGY); Rehob, James (ENERGY)
Subject: Re: Cancelling Green South Gas Plant / Preliminary Advice on Options and Issues

I am happy to help, James, if you need it. I'll also keep an eye on my bb in case this progresses over the weekend.

Carolyn

From: Perun, Halyna N. (ENERGY)
To: Rehob, James (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Fri Oct 07 17:24:48 2011
Subject: RE: Cancelling Green South Gas Plant / Preliminary Advice on Options and Issues

Many thanks James – Garry and Allan in Rick's shop will be working on options on Tuesday. I did let Rick know that you'd be willing to assist them in developing the options. Thanks for this and have a good weekend.

Halyna

Halyna N. Perun
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From: Rehob, James (ENERGY)
Sent: October 7, 2011 5:02 PM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Cancelling Green South Gas Plant / Preliminary Advice on Options and Issues

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

October 7, 2011

Good day, Halyna. You asked me to provide you with a list of considerations (options and issues) which could be considered in relation to the cancellation of the Greenfield South power plant, presently being constructed in Mississauga. Here are my views in this regard:

References to commercial contract payments, damages and other funds will usually be cost-recovered from the rate-base. Hence, there will be rate-payer impacts.

- **OPTION 1** Since the OPA is the counterparty to the original 2005 contract (which arose out of the Ministry passing it the initiative to procure clean energy supply), direct the OPA to take all necessary legal and commercial steps to cancel the contract, including but not limited to:
 - Directing the OPA to renegotiate the contract with a view to settlement, relocation or temporary (indefinite) suspension (would involve compensatory payments on a commercial basis likely plus premium for inconvenience, compensation for the cancellation/suspension of supplier contracts etc.)
 - **Termination on Notice (if timing permits)**
 - Include notification of immediate stopping the flow of funds (recognizing that this will give rise to cascading liability claims from the proponent and all related suppliers against OPA re. the project)
 - Attempting to trigger *force majeure* provisions.
 - (Attempting to recharacterize the entire transaction from a gas-plant to something more environmentally innocuous such as biofuels if that would be any more acceptable to the community)

Risk: Government and OPA would face commercial claims from the developer and any suppliers involved in the construction of the project, including gas companies constructing the gas line and supplying natural gas to the project – Union and Enbridge are large, powerful, well-connected entities and this should form part of the considerations. Note: in contrast with Option 2 below, that having the OPA cancel the contract keeps the liability with the OPA as the primary target, although the Crown would likely be added to any suit brought by the developer going forward. Proponent will explore whether Government has breached the discriminatory action (Government/Legislature changing law causing commercial harm) clause under the contract. (You noted that the contract itself may provide for the overarching liability limitation – capping liability at the total of sunk costs. I wonder whether this includes ongoing supplier contracts, etc.)

- **OPTION 2:** Government could (together with OPA) arrange settlement discussions with the developer, (directing either explicitly or implicitly the OPA to engage and participate with Government in these settlement discussion) – **OPTION 2A** could even consider having OPA re-assign the contract back over to the Crown (a commercial step) and allow Government all and immediate authority to negotiate directly with the developer.
 - Government can then directly participate and control the negotiation process and make all major decisions independent of the OPA (avoiding OPA internal decision/approval processes, such as Board of Director approvals, which could slow timing)

Risk: Government would be the sole (primary) location for all contract damages suits of developer and suppliers.

- **OPTION 3: Injunction:** While quite weak, the Government could consider bringing an Application for Injunctive Relief (*ex parte*) if it can prove that there is a serious issue to be tried by the court, that irreparable harm will ensue if the relief sought (the immediate stopping of construction) is not granted, and that the balance of conveniences favours the court granting the injunction (issuing a declaratory order ordering the construction to cease). I believe that this would likely have to proceed as part of a wider action (e.g. the Court may wish to see that the matter was part of a claim and not a stand-alone issue for it to resolve), but this would have to be confirmed with CLOC.
- **OPTION 4:** OIC and Directive to OEB which could explore adding additional license conditions to the licensee's (Developer's) license that required it to meet, or prove to the OEB that will be in a position to meet, any new environmental requirements provided for the Ministry of Environment or Ministry of Natural Resources, assuming that MOE imposes new requirements as part of its ongoing review being conducted since July, 2011. (Weak legislative basis since OEB does not have a primary role in environmental review and OEB has already granted leave to construct.)

I wish to acknowledge the kind assistance of Jennifer, who assisted me in brainstorming and locating documents – thank you.

Kindly,
James

James P. H. Rebob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
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james.rebob@ontario.ca

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Cayley, Daniel (ENERGY)

From: Wilson, Malliha (JUS)
Sent: October-07-11 7:28 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Mississauga Gas Plant

U too. And u have a very nice and thoughtful Deputy

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Sent: Fri Oct 07 19:26:41 2011
Subject: Re: Mississauga Gas Plant

Yes, for sure. The Dep said he didn't want us to work on the weekend - so I expect it will be quiet til Tuesday morning - hope you have a nice Thanksgiving and I will stay in touch

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Wilson, Malliha (JUS)
To: Perun, Halyna N. (ENERGY)
Sent: Fri Oct 07 18:32:41 2011
Subject: Re: Mississauga Gas Plant

Thx. Stay in touch so we can help u

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Cc: Harrison, Troy (JUS); Lung, Ken (JUS); Roszell, Rand (ENE)
Sent: Fri Oct 07 17:21:28 2011
Subject: Mississauga Gas Plant

Privileged and Confidential

The Secretary of the Cabinet has conveyed to Energy a request from the Premier that Energy work with the Ontario Power Authority and Environment to develop legal and negotiating options with respect to the Mississauga Gas Plant.

You may recall that the Liberals did say that if elected they would cancel the Plant. Energy is now being asked to brainstorm on options. The SOC has invited Energy (DM and ADM Rick Jennings), Environment (ADM Kevin French) and the OPA (CEO Colin Anderson and General Counsel Mike Lyle) to a meeting on Wed. morning to discuss this further. I have been invited to attend.

The SOC has cautioned the Premier to caution his staff, the Ministers' and their staffs not to discuss any way forward with the company building the plant.

We'll be meeting with the Energy clients on Tuesday morning to assist in developing the options – at this point I am not sure whether the SOC expects a written product or whether she'd like to simply discuss orally – but I'll keep you posted as I learn more.

Regards,

Halyna

Halyna N. Perun
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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-10-11 9:21 PM
To: Slater, Craig (JUS)
Cc: Calwell, Carolyn (ENERGY); Roszell, Rand (ENE)
Subject: Fw: Mississauga Gas Plant

Privileged and Confidential

Hi Craig - Hope you had a restful weekend. This is a head's up that we may need the assistance of your office tomorrow on a rather urgent basis in developing options for the SOC's review that outline how to move forward with a lib promise that the Mississauga Gas Plant would not be proceeding (see below) at its current location. We'll be meeting with clients to support the development of options tomorrow morning and they may want to know, for example, the feasibility of bringing an application for an injunction. The contract is between a private co and the Ontario Power Authority (I believe based on same template as the TransCanada one) - we've not seen that contract as yet. The company has the requisite approvals (environmental and municipal - though the Minister of Environment had announced in June that MOE will conduct an updated review of the approval) to proceed with construction and there has apparently been quite a lot of activity on the site - despite the pronouncement that the plant would not be proceeding should the libs get reelected. The SOC has asked ENERGY and Environment to work on creative options - legal and other. I have not heard more on this over the weekend but expect that we'll be having a very busy day tomorrow preparing for the meeting with the SOC Wed morning. Either Carolyn or I will be in touch with you further on this in the morning. Thank you

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Cc: Harrison, Troy (JUS); Lung, Ken (JUS); Roszell, Rand (ENE)
Sent: Fri Oct 07 17:21:28 2011
Subject: Mississauga Gas Plant

Privileged and Confidential

The Secretary of the Cabinet has conveyed to Energy a request from the Premier that Energy work with the Ontario Power Authority and Environment to develop legal and negotiating options with respect to the Mississauga Gas Plant.

You may recall that the Liberals did say that if elected they would cancel the Plant. Energy is now being asked to brainstorm on options. The SOC has invited Energy (DM and ADM Rick Jennings), Environment (ADM Kevin French) and the OPA (CEO Colin Anderson and General Counsel Mike Lyle) to a meeting on Wed. morning to discuss this further. I have been invited to attend.

The SOC has cautioned the Premier to caution his staff, the Ministers' and their staffs not to discuss any way forward with the company building the plant.

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Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-11-11 10:32 AM
To: Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY)
Cc: Jennings, Rick (ENERGY)
Subject: RE:
Attachments: Greenfield South - 9 JUNE 2011.ppt

Slides 5, 6 and 7 of this deck ([attached](#)) may also be useful

From: Jennings, Rick (ENERGY)
Sent: October 11, 2011 10:31 AM
To: Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Subject:

See attached per our discussion



EASTERN POWER'S GREENFIELD SOUTH GAS PLANT

TIMELINE & STATUS UPDATE

7 JUNE 2011

CONFIDENTIAL ADVICE



TIMELINE

- **June 2004:** Ministry of Energy launches 2,500 MW Clean Energy Supply RFP.
- **April 2005:** Eastern Power awarded 2 contracts. The 2 contracts were 280MW each for a *Greenfield South* plant (Hwy 427 & QEW) and a *Greenfield North* plant (Hwy 407 & Hwy 10); 2009 was the contracted in-service date (COD) for the Eastern Facilities.
- **August 2005:** Greenfield North contract terminated under a mutual agreement between the OPA and Eastern Power because Eastern Power was not able to obtain financing. Greenfield South contract remained in place with the original COD of 2009.
- **September 2005:** Eastern Power files 1st force majeure (FM) notice with the OPA because the Ministry of the Environment (MOE) received requests to elevate the project to an individual Environmental Assessment.
- **January 2006:** Director of the MOE denied the elevation request.
- **March 2006:** City of Mississauga passed zoning by-laws that would not allow Greenfield South to be built at the proposed site.
- **October 2007:** OMB issued an Order in favour of Eastern Power after it appealed the City of Mississauga ruling to the OMB.
- **July 2008:** Minister of the Environment concurred with the decision made by the Director of the MOE and Eastern Power receives EA approval. (Note: standards have not changed since)
- **July 2008:** Eastern Power terminates 1st FM upon receipt of Minister of the Environment's decision.



TIMELINE (CONT'D)

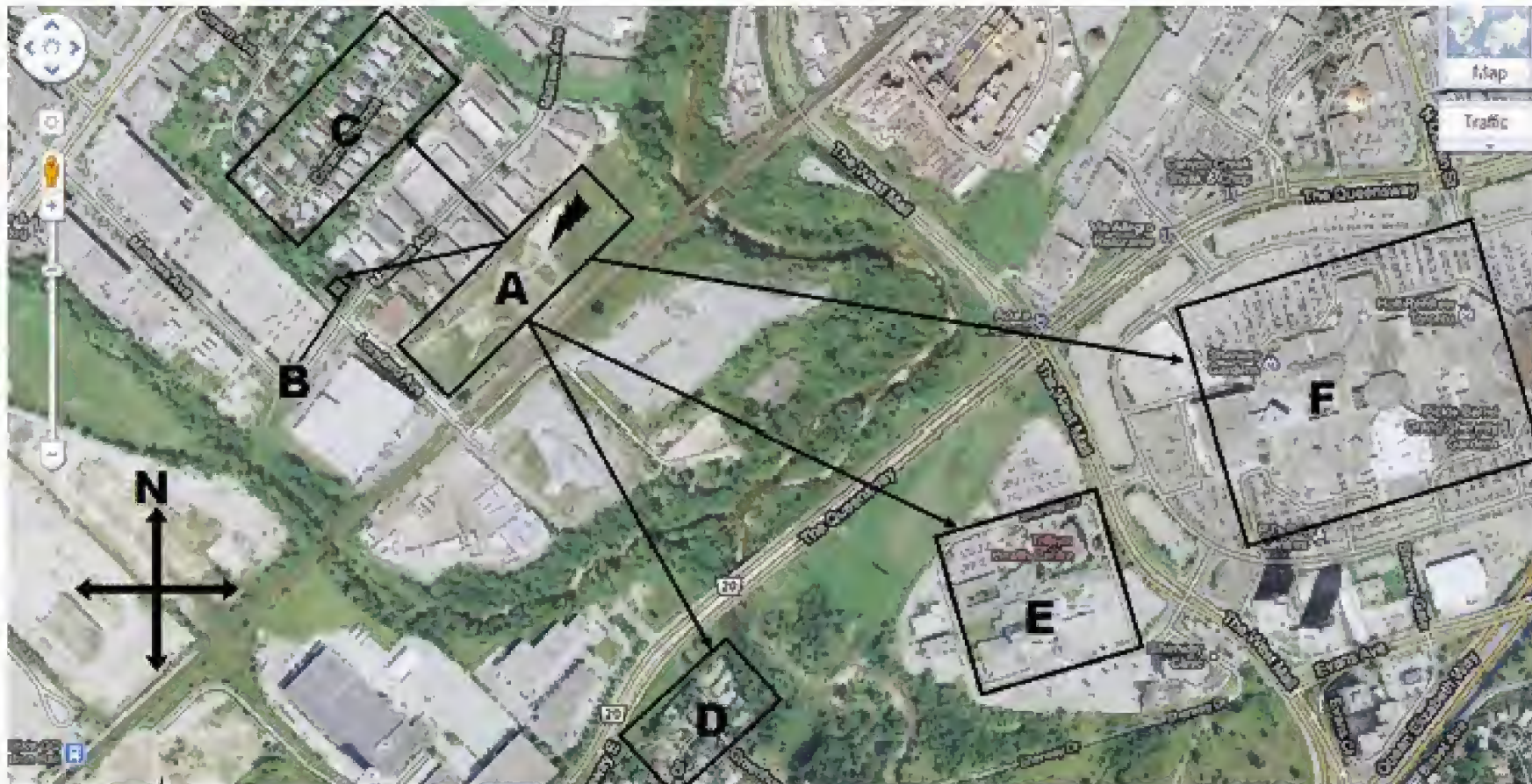
- **December 2008:** Ministry of Environment issues Air and Noise CofA, with specific air quality compliance conditions for the facility. (Note: standards have not changed since)
- **March 2009:** Eastern Power applies for a building permit from the City of Mississauga; According to the Ontario Building Code, permit is to be issued within 30 business days of completing application. This does not happen.
- **March 2009:** Resulting from delay between 2005 and 2008, the OPA and Eastern Power amend agreement with new COD of September 2012 (from July 2009); Agreement also amended so that proponent no longer has option of burning oil if natural gas prices increase.
- **August 2009:** Greenfield files 2nd FM dated back to June 15, 2009 due to delays in obtaining building permit from the City of Mississauga.
- **March 2011:** Eastern Power determines that they can obtain project financing and terminates 2nd FM.
- **May 2011:** OPA and Eastern Power agree to revised COD of Q3 2014, resulting from the building permit delay.
- **May 2011:** Project financing achieved through EIG Management and Credit Suisse.
- **May 2011:** Eastern Power obtained building permit from the City of Mississauga. Mobilization is in process and major foundation work is planned to commence in July 2011 (according to the company).
- **June 2011:** Project is presently advanced into detailed design stage - major equipment procurement is underway with steam turbine generator delivered and in storage.
- **NOTE:** Project does not have connection agreement finalized with Hydro One.



MOE SUMMARY OF CONSULTATION

JUNE 2005:

- Public notices posted in the local newspapers, delivered to local residents, local businesses and interested members of the public.
- Written information about the project was delivered, mailed or e-mailed to local residents, local businesses and interested members of the public.
- June 17, 2005 - public open house was held - 2 sessions totalling over 10 hours (9 am-3pm and 5-8pm). 160 attendees that signed-in
- Questionnaires were completed by attendees of the open house (105 completed)
- June 20, 2005 - public forum was hosted by local citizens and attended by 7 representatives of the proponent
- An environmental screening report was placed in public libraries for 30 days for public review.



Legend:

- A – Proposed Greenfield Site
- B – Closest House
- C – Closest Subdivision (North)
- D – Closest Subdivision (South)
- E – Trillium Heath Centre
- F – Sherway Gardens Mall

Distance:

- A to B: 220 Meters
- A to C: 270 Meters
- A to D: 500 Meters
- A to E: 740 Meters
- A to F: 910 Meters

CONFIDENTIAL ADVICE

EAST



WEST



NORTH



SOUTH





MOE OPTIONS

- **OPTION 1: Revocation of suspension of the current Certificate of Approval (CofA)**
 - PRO: All construction activities on site likely (though not guaranteed) to stop until new CofA issued
 - CON: Ministry would need to demonstrate why this option is in the best interest in the public such as new environmental concerns being brought to light or emerging science not available when CofA was issued. No new environmental scientific evidence, including any potential impact of “cumulative effects,” or changes in Air and Noise standards has been demonstrated

- **OPTION 2: Citizen Request for Review of CofA through EBR (Citizen/NGO sends application for review to Environmental Commissioner)**
 - PRO: Provides non-political method of opening up debate on the issues again in a provincial context
 - CON: Does not stay the current CofA, so company can continue with construction. Also, for reviews requested within 5 years of CofA issuing (in this case Dec 2008), needs to be supported by information demonstrating significant harm to environment that was not originally considered.



MOE OPTIONS (CONT'D)

- **OPTION 3: Proponent requests that existing CofA be revoked, suspended or amended**
 - PRO: Non-political method to address the issue
 - CON: Highly unlikely, given that City of Mississauga has just issued building permit to Greenfield

- **OPTION 4: Regulation on air emissions requiring all combined cycle natural gas facilities to consider PM 2.5 emissions and cumulative effect considerations**
 - PRO: Ensure PM 2.5 and cumulative effect concerns are addressed as part of CofA conditions. Demonstrates action on public concerns about gas plant emissions
 - CON: drafting and passing a reg will take time (ie longer than this summer), and could be difficult to apply to facilities currently under construction. MOE's PM 2.5 review already underway and expected to be completed by May 2013.



OTHER POTENTIAL MOE OPTIONS INVESTIGATED

- **CofA for stormwater management:** Not required since the company intends to collect stormwater and use it in their process as non-contact cooling water.
- **Waste CofA:** Not required since there are no waste management activities being proposed as part of the facility. Waste produced on site would be collected as part of municipal waste collection and/or commercial waste collection.
- **Permit To Take Water:** Not required as facility is located in an area where they have access to the municipal water and company intends to access municipal water where required for their process operations.
- **Pesticide Licenses:** Not applicable given ban on the use of cosmetic pesticides.
- **Drinking Water licenses and Permits:** Not required as the facility will access the municipal drinking water system



CURRENT COMMUNICATIONS STRATEGY

CURRENT HOLDING MESSAGES: Reassurance of Environmental Due Diligence and Process

- We are ensuring the safety of the community and protecting the local environment and will continue to do so. These are our top priorities.
- The Ministry of Environment's environmental assessment and certificate of approval process ensures the highest safety standards for human health and the environmental protection - all industrial facilities have to meet strict air quality standards.
- This project underwent a rigorous environmental assessment conducted by the Ministry of the Environment in 2006 and was granted a certificate of approval in 2008.
- The rigorous review included public consultations every step of the way. As a result of that consultation the company will:
 - Monitor the air quality in the vicinity and monitor emissions to ensure the protection of health and the environment
 - Support a community advisory committee to monitor air quality and efforts to mitigate emissions impacts
- The Ministry of the Environment will continue to uphold the strict air standards that are legislated

PROS:

- Provides reassurance that all safety measures are in place
- Provides policy flexibility and allows for a holding pattern of neutral messages that do not lock in decisions
- Shifts the issue over to environmental process
- MPPs support environmental angle

CONS:

- Doesn't remove the local issue of a plant being built
- Without firm policy direction, it exposes us to media criticism and doesn't provide an opportunity to mitigate.

Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-11-11 11:23 AM
To: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: RE: mississauga gas plant

Halyna

The contract is confidential. We have not seen it. It would have to come from the OPA. In Mike's absence, you might want to call JoAnne Butler.

Garry

From: Perun, Halyna N. (ENERGY)
Sent: October 11, 2011 11:09 AM
To: Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); King, Ryan (ENERGY); McKeever, Garry (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: mississauga gas plant

Hi - I have not been successful in reaching Mike Lyle this morning – We need to review the contract in place re Mississauga Gas Plant as soon as possible – do any of you have it? Please let us know and we'll come by to pick up a copy thank you

Halyna

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Perun, Halyna N. (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October 11, 2011 11:50 AM
To: Wong, Taia (JUS)
Subject: RE: Mississauga Plant

Hi Taia - We still don't have it - the Ontario Power Authority has not produced it as yet – but will do as soon as I have it

Halyna

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From: Wong, Taia (JUS)
Sent: October 11, 2011 11:20 AM
To: Perun, Halyna N. (ENERGY)
Subject: Mississauga Plant

Hi Halyna,

Can you please send me a copy of the contract in this matter? I'd appreciate it if you could send it as soon as possible.

Also, please let us know by early afternoon if you become aware of any other options.

Thanks,
Taia

Perun, Halyna N. (ENERGY)

From: Rehob, James (ENERGY)
Sent: October 11, 2011 2:06 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: Mississauga Gas Plant

From: Perun, Halyna N. (ENERGY)
Sent: October 11, 2011 1:57 PM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: FW: Mississauga Gas Plant

Halyna

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From: Slater, Craig (JUS)
Sent: October 11, 2011 1:49 PM
To: Perun, Halyna N. (ENERGY)
Cc: Salim, Fateh (JUS); Kendik, James (JUS); Scarfone, Janet (JUS)
Subject: FW: Mississauga Gas Plant

For your information.

John Kelly spoke to Mike Lyle, who indicated, as you had earlier indicated, the Colin Andersen and Deputy Lindsey will be part of the meeting tomorrow to discuss options.

The view at the OPA is that there has been nothing done here that would prevent the OPA from relying on the limitation of damages clause that is in this agreement with Eastern Power, as it was in the TCE agreement – but which (given the Oct 2010 letter) we could not rely on. However, Mike indicated that Eastern Power is very litigious. Mike also mentioned that the hope is to negotiate an alternative site, perhaps in Nanticoke, as part of any settlement of the termination of the agreement, if the decision is made to terminate. The OPA's view is that given the experience in Oakville and Mississauga that the location of such plants in populated areas is now not advisable. The OPA is trending to the same option as in TCE – negotiation of an alternate site and arbitration of the damages, which may be less than TCE because of our reliance on the limitation of damages clause. However, Mike confirmed that Eastern Power has all approvals in place and is constructing the plant in full compliance with its agreement with the OPA.

In terms of NAFTA, we may need to do a little more digging. Bloomberg lists the proponent Greenfield South Power Corporation and Eastern Power as private corporations. The Greenfield South Power Corporation website lists Eastern Power as an affiliate. There may be foreign investors, but since both companies appear to not make public filings, it is difficult to ascertain.

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-11-11 12:09 PM
To: Perun, Halyna N. (ENERGY); Jenkins, Allan (ENERGY); King, Ryan (ENERGY); McKeever, Garry (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: RE: mississauga gas plant

I have been trying to touch base with JoAnne Butler at the OPA on this. I suspect that the OPA staff including Mike are working on options. I will let you know when I hear back from them.

From: Perun, Halyna N. (ENERGY)
Sent: October 11, 2011 11:09 AM
To: Jennings, Rick (ENERGY); Jenkins, Allan (ENERGY); King, Ryan (ENERGY); McKeever, Garry (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: mississauga gas plant

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-11-11 1:19 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: Mississauga

Privileged and Confidential

Mike Lyle is meeting with Colin now – he said he'd be in a position to let us know whether or not the contract will be shared with legal post that meeting.

In meantime, we'll be adding to the deck you sent – and should have something to you in the next hour or so.

Halyna

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From: King, Ryan (ENERGY)
Sent: October 11, 2011 12:05 PM
To: Perun, Halyna N. (ENERGY)
Cc: Jennings, Rick (ENERGY)
Subject: FW:

Halyna,
This is a draft deck we're working on for the meeting tomorrow.

From: Jenkins, Allan (ENERGY)
Sent: October 11, 2011 12:05 PM
To: Jennings, Rick (ENERGY); McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: RE:

Formatted the presentation and made some additions of text and images.

From: Jennings, Rick (ENERGY)
Sent: October 11, 2011 10:31 AM
To: Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Subject:

See attached per our discussion

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-11-11 1:25 PM
To: Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: RE:

Privileged and Confidential

Hi Rick – Thanks for sending – We'll be adding to this version then. For example, the SOC was particularly interested in a legislative option. Legislation could in fact cancel a contract, provide for no compensation, and prevent any party to the contract from suing the Crown or the OPA, should that be desired. The language in the legislation would need to be very explicit -

Halyna

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From: Jennings, Rick (ENERGY)
Sent: October 11, 2011 1:18 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW:

Halyna, attached is the draft which I believe Ryan has already sent to you. This is principally a background deck.

As noted I have been trying to touch base with OPA staff, I will be seeing JoAnne at a meeting at 2 p.m.

Re options they are either Regulatory which Environment can speak to – I will also contact the Approvals ADM but per my most recent conversation with him a month ago believe that they are not advocating that route.

Re contractual options – the OPA could cancel the contract, they and their Board of Directors would likely insist on a Ministerial Direction to do so and perhaps an agreement from the Government to pick up some of the legal cost.

The OPA can approach the developer about negotiating a change to the contract including a revision to a new location. Again the OPA may require Ministerial Direction and/ or Government paying some or all of the costs.

From: King, Ryan (ENERGY)
Sent: October 11, 2011 12:05 PM

To: Perun, Halyna N. (ENERGY)
Cc: Jennings, Rick (ENERGY)
Subject: FW:

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From: Jenkins, Allan (ENERGY)
Sent: October 11, 2011 12:05 PM
To: Jennings, Rick (ENERGY); McKeever, Garry (ENERGY)
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From: Jennings, Rick (ENERGY)
Sent: October 11, 2011 10:31 AM
To: Jenkins, Allan (ENERGY); McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Subject:

See attached per our discussion

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-11-11 3:06 PM
To: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Gas Plant Considerations (v2).ppt
Attachments: Gas Plant Considerations (v2).ppt

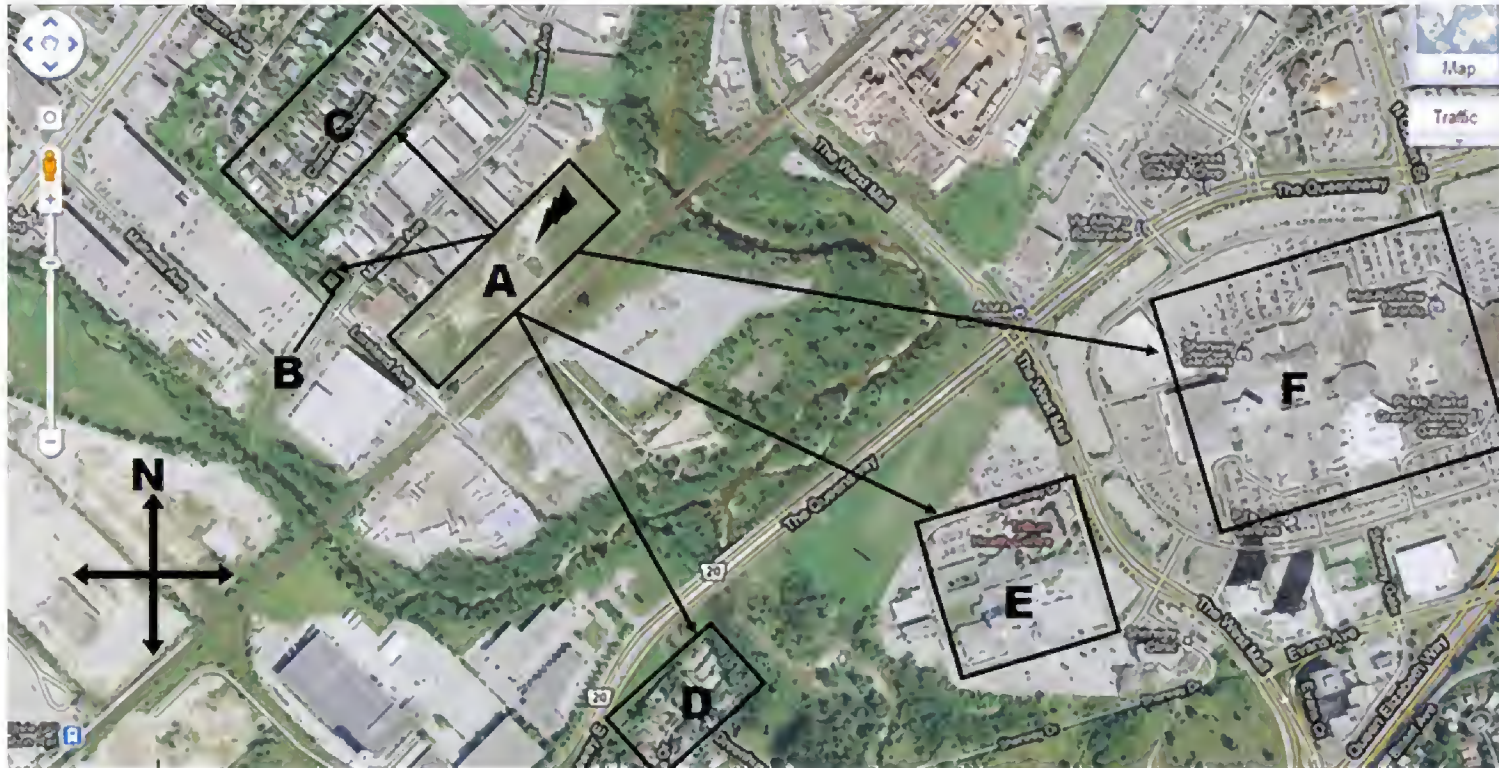
Per my discussion with James, can you please add the bullet on an injunction. I'll then put to Rick

Gas Plant Considerations

Date: October 11, 2011

Key Facts About the Greenfield South Plant

- Successful applicant in Ministry of Energy run **Clean Energy Supply (CES)** RFP, contract signed with the OPA in April 2005.
- Eastern Power, the project developer **based in Ontario**, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval;
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011;
- Eastern Power has **recently** secured financing (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Recent Events

- On September 24, in Mississauga, local Liberal party candidates announced that “construction on the project would be halted” and that “if elected the Government would work with Eastern to choose a new site.” The Mayor of Mississauga attended the announcement and endorsed the decision.
- On September 28, the media carried pictures of the plant with construction well underway.
- On October 6, media reported Liberal insiders as saying that Eastern Power was warned back in May that any work they did was at their own risk.

Issues

- Construction continues at the Greenfield South site.
- The project has all applicable approvals, a regulatory mechanism for stopping construction could be challenged in the absence of a breach of approval conditions.
- **The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract.**
- Statements have been made by local politicians that the plant would not be relocated to a site in Mississauga or Toronto.
- Alternative site options and alternative ways to supply Mississauga have not been identified. Alternative sites would require new provincial and municipal approvals processes to be undertaken.

Options For Stopping the Plant

- Legislative – requires time to enact and pass
 - Developer could bring law suit in interim, though legislation if passed could ultimately preclude liability and damages
 - Legislation could provide for compensation (or not) or could establish process to determine compensation
 - Legislation could not avoid potential exposure under international agreements (e.g. NAFTA)
 - Provincial precedent: *Adams Mine Lake Act*, 2004
- Regulatory - would have to nullify approvals already received
 - Likely to lead to financial exposure for province or OPA
- Contractual – unilateral termination can be expected to lead to legal action
 - Both OPA and Government could be included as parties
 - OPA contract includes limitation of liability clause, which could limit damages.
 - Damages payable by the OPA would be recovered from the rate-base.
- Negotiations/arbitration/settlement – in return for ceasing construction and terminating Greenfield contract, OPA or Government could offer to pay for expenses to date (e.g. sunk costs) or to enter into a new contract for a new site.

Next Steps

- OPA could be asked to approach Eastern Power about negotiating a settlement, which could include payment for costs to date (**sunk costs**) , payment for foregone revenue, **or negotiations for a contract** at a new site.
- Could require a Ministerial direction to the OPA to renegotiate the contract or cancel the contract. The Government could agree to cover some or all of the settlement costs.
- Cambridge is a potential alternate site, key considerations:
 - The project would have to be reconfigured (450 MW peaking plant versus 280 MW combined cycle plant);
 - the developer would likely ask the OPA to take approval risk;
 - TransCanada has been in discussions about this site although nothing has been agreed to; and,
 - Does not directly address supply needs in Mississauga and Toronto.
- Proponent may be willing to settle for a large cash settlement representing foregone net revenue or may view its financial prospects as being better through the courts.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-11-11 3:56 PM
To: Jennings, Rick (ENERGY)
Subject: FW: Updated Greenfield South Deck
Attachments: Gas Plant Considerations (v2) (JPR Comments).ppt

Here is the latest deck

From: Rehob, James (ENERGY)
Sent: October 11, 2011 3:32 PM
To: King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: Updated Greenfield South Deck

Privileged & Confidential Legal Advice / Solicitor & Client Privileged

October 11, 2011

Hi, Ryan – I've updated the deck just now to add a point on injunctions – the injunction would likely be unavailable in our circumstances since the developer has not been and would not be violating existing law. When we discussed the potential of changing the regulatory status (e.g. MOE revoking or further conditionalizing their C of A), it should be noted that such action carries the risk of founding the basis for a misfeasance in public office (abuse of power/public office) suit.

In light of this comment, I was considering adding the following language to "Regulatory" on Options slide: **"Attempts to direct the regulators to change regulatory status, permits, etc. could be seen as misfeasance in public office"**. Please consider.

Thanks,

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Tel: 416-325-6676
Fax: 416-325-1781
james.rehob@ontario.ca

Notice

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Gas Plant Considerations

Date: October 11, 2011

Key Facts About the Greenfield South Plant

- Successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP, contract signed with the OPA in April 2005.
- Eastern Power, the project developer **based in Ontario**, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval;
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*Plant construction as of 28 September 2011



Recent Events

- On September 24, in Mississauga, local Liberal party candidates announced that “construction on the project would be halted” and that “if elected the Government would work with Eastern to choose a new site.” The Mayor of Mississauga attended the announcement and endorsed the decision.
- On September 28, the media carried pictures of the plant with construction well underway.
- On October 6, media reported Liberal insiders as saying that Eastern Power was warned back in May that any work they did was at their own risk.

Issues

- Construction continues at the Greenfield South site.
- The project has all applicable approvals, a regulatory mechanism for stopping construction could be challenged in the absence of a breach of approval conditions.
- **The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract.**
- Statements have been made by local politicians that the plant would not be relocated to a site in Mississauga or Toronto.
- Alternative site options and alternative ways to supply Mississauga have not been identified. Alternative sites would require new provincial and municipal approvals processes to be undertaken.

Options For Stopping the Plant

- Legislative – requires time to enact and pass
 - Developer could bring law suit in interim, though legislation if passed could ultimately preclude liability and damages
 - Legislation could provide for compensation (or not) or could establish process to determine compensation
 - Legislation could not avoid potential exposure under international agreements (e.g. NAFTA)
 - Provincial precedent: *Adams Mine Lake Act, 2004*
- Regulatory - would have to nullify approvals already received
 - Likely to lead to financial exposure for province or OPA. Contractual – unilateral termination can be expected to lead to legal action
 - Both OPA and Government could be included as parties
 - OPA contract includes limitation of liability clause, which could limit damages.
 - Damages payable by the OPA would be recovered from the rate-base.
- Negotiations/arbitration/settlement – in return for ceasing construction and terminating Greenfield contract, OPA or Government could offer to pay for expenses to date (e.g. sunk costs) or to enter into a new contract for a new site.
- **Injunction: explored but would not be a live option since Developer is not violating the law.**

Next Steps

- OPA could be asked to approach Eastern Power about negotiating a settlement, which could include payment for costs to date (**sunk costs**), payment for foregone revenue, or **negotiations for a contract at a new site**.
- Could require a Ministerial direction to the OPA to renegotiate the contract or cancel the contract. The Government could agree to cover some or all of the settlement costs.
- Cambridge is a potential alternate site, key considerations:
 - The project would have to be reconfigured (450 MW peaking plant versus 280 MW combined cycle plant);
 - the developer would likely ask the OPA to take approval risk;
 - TransCanada has been in discussions about this site although nothing has been agreed to; and,
 - Does not directly address supply needs in Mississauga and Toronto.
- Proponent may be willing to settle for a large cash settlement representing foregone net revenue or may view its financial prospects as being better through the courts.

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-11-11 4:40 PM
To: King, Ryan (ENERGY)
Subject: RE: Updated Greenfield South Deck
Attachments: Gas Plant Considerations (v3) (Oct 11).ppt

Ryan attached is a final version which reflects comments that I have received from the OPA and the Ministry of the Environment. This should go to the DMO. We will need to bring a dozen colour copies to the meeting tomorrow a.m.

From: King, Ryan (ENERGY)
Sent: October 11, 2011 3:56 PM
To: Jennings, Rick (ENERGY)
Subject: FW: Updated Greenfield South Deck

Here is the latest deck

From: Rehob, James (ENERGY)
Sent: October 11, 2011 3:32 PM
To: King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: Updated Greenfield South Deck

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Thanks,

James

James P. H. Rehob
Senior Counsel
Ministry of Energy and
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Gas Plant Considerations

Date: October 11, 2011

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- Construction continues at the Greenfield South site.
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 - Both OPA and Government could be included as parties
 - OPA contract includes limitation of liability clause, which could limit damages.
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- Negotiations/arbitration/settlement – in return for ceasing construction and terminating Greenfield contract, OPA or Government could offer to pay for expenses to date (e.g. sunk costs) and to enter into a new contract for a new site.
- **Injunction: explored but would not be a live option since Developer is not violating the law.**

Next Steps

- OPA could be asked to approach Eastern Power about negotiating a settlement, which could include payment for costs to date (**sunk costs**) , payment for foregone revenue, **or negotiations for a contract** at a new site. An incentive may be required. The project's lenders would need to be included in negotiations.
- Could require a Ministerial direction to the OPA to renegotiate the contract or cancel the contract. The Government could agree to cover some or all of the settlement costs.
- Potential alternate sites would need to be explored, for example Cambridge. Key considerations:
 - The project may have to be reconfigured (e.g. 450 MW peaking plant versus 280 MW combined cycle plant);
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Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-11-11 4:47 PM
To: Silva, Joseph (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); Rehob, James (ENERGY); Calwell, Carolyn (ENERGY)
Subject: Gas Plant Considerations (v3) (Oct 11).ppt
Attachments: Duplicate attachment removed

Hi Joseph,
Approved Deck attached. Are you able to print off colour copies for the meeting? Need about 10 or so.

Cayley, Daniel (ENERGY)

From: Lipman, Jay (ENE)
Sent: October-11-11 5:26 PM
To: Perun, Halyna N. (ENERGY)
Cc: Feltman, Scott (JUS); Intrator, Daphne (JUS); Roszell, Rand (ENE)
Subject: RE: Gas Plant Considerations (v3) (Oct 11).ppt

Here is my attempt. I felt it needed a bit of context to explain "regulatory" v. "legislative" options.

Regulatory – revocation of existing approvals or other regulatory steps to terminate project

Developer is subject to a Certificate of Approval under the *Environmental Protection Act*. Technically, approvals can be amended or revoked if appropriate.

Revocation needs to be justified on environmental grounds and is subject to appeal.

Crown or OPA may be liable for revocation or other actions to nullify existing approvals if no justification and revocation or other action is seen as indirect attempt to terminate the project.

Jay

From: Perun, Halyna N. (ENERGY)
Sent: October 11, 2011 4:58 PM
To: Lipman, Jay (ENE)
Subject: Fw: Gas Plant Considerations (v3) (Oct 11).ppt

Please look at slide re "options for stopping the plant"

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: King, Ryan (ENERGY)
To: Silva, Joseph (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); Rehob, James (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Tue Oct 11 16:46:41 2011
Subject: Gas Plant Considerations (v3) (Oct 11).ppt

Hi Joseph,
Approved Deck attached. Are you able to print off colour copies for the meeting? Need about 10 or so.

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-11-11 6:54 PM
To: Silva, Joseph (ENERGY)
Cc: Jennings, Rick (ENERGY); King, Ryan (ENERGY); Kulendran, Jesse (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: Gas Plant Considerations (v3) (Oct 11).ppt
Attachments: Gas Plant Considerations final Oct.ppt; Gas Plant Considerations (red marked2).ppt

Privileged and Confidential

Please find a "clean" version of the deck and a "red marked" version that shows the changes. This version has had significant input from MAG, and includes additions from MOE legal, which have also been developed in collaboration with MAG.

MAG may still have further inserts so I would ask that this version not be sent to the SOC until we've heard back from MAG later this evening.

Thank you

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Gas Plant Considerations (v3) (Oct 11).ppt

Hi Joseph,

Please hold before printing. LSB may have a couple of tweaks regarding an OPA direction. They will be providing a revised deck from the version I sent up.

From: Silva, Joseph (ENERGY)
Sent: October 11, 2011 4:50 PM
To: King, Ryan (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY);

Jenkins, Allan (ENERGY); Rehob, James (ENERGY); Calwell, Carolyn (ENERGY)

Subject: RE: Gas Plant Considerations (v3) (Oct 11).ppt

Hi Ryan – sure, we'll print here.

From: King, Ryan (ENERGY)

Sent: October 11, 2011 4:47 PM

To: Silva, Joseph (ENERGY)

Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); Rehob, James (ENERGY); Calwell, Carolyn (ENERGY)

Subject: Gas Plant Considerations (v3) (Oct 11).ppt

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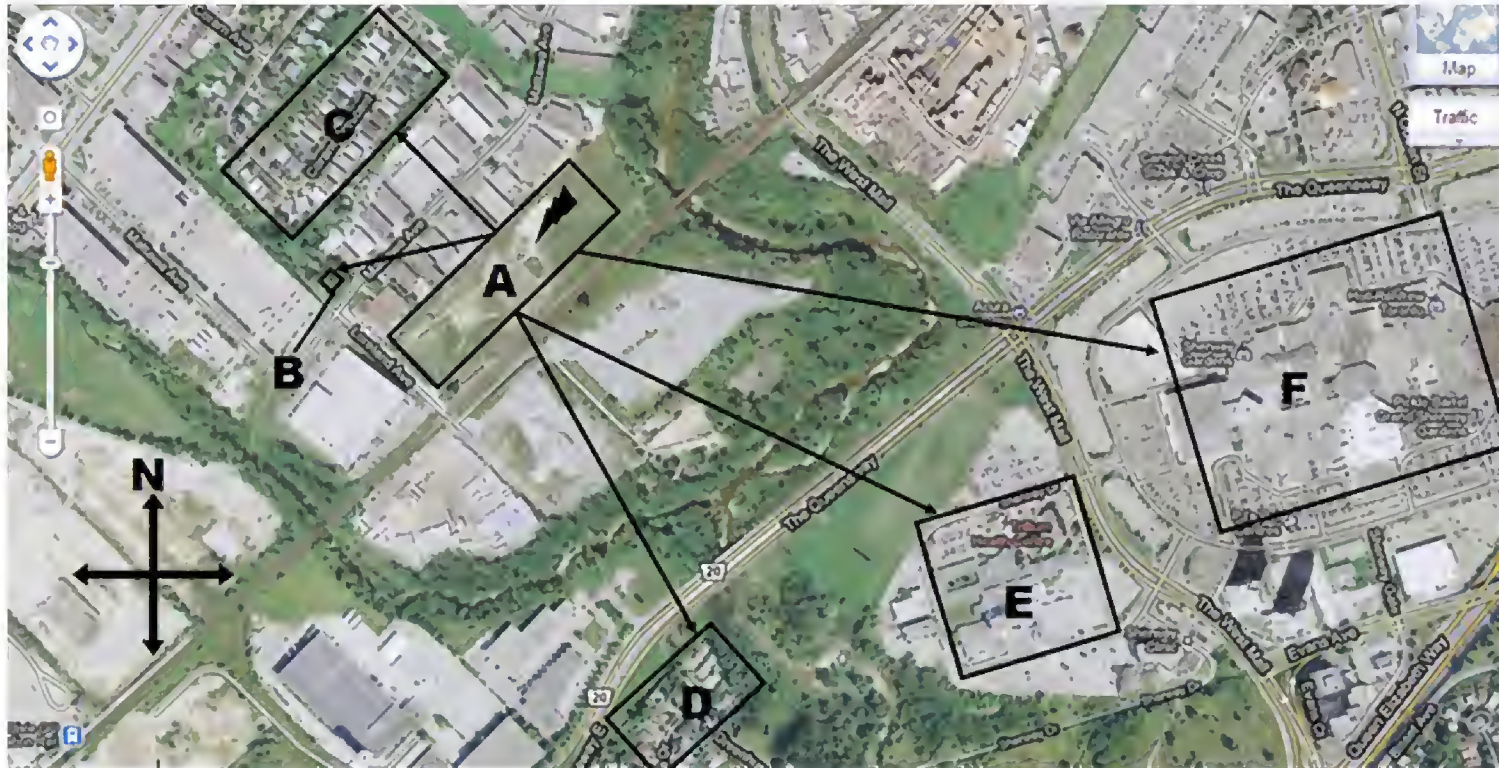
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Gas Plant Considerations

Date: October 11, 2011

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 - Is such a challenge was successful, Eastern may initiate a civil action in tort against the Crown.
 - Eastern may also seek a remedy against OPA under the terms of the contract.
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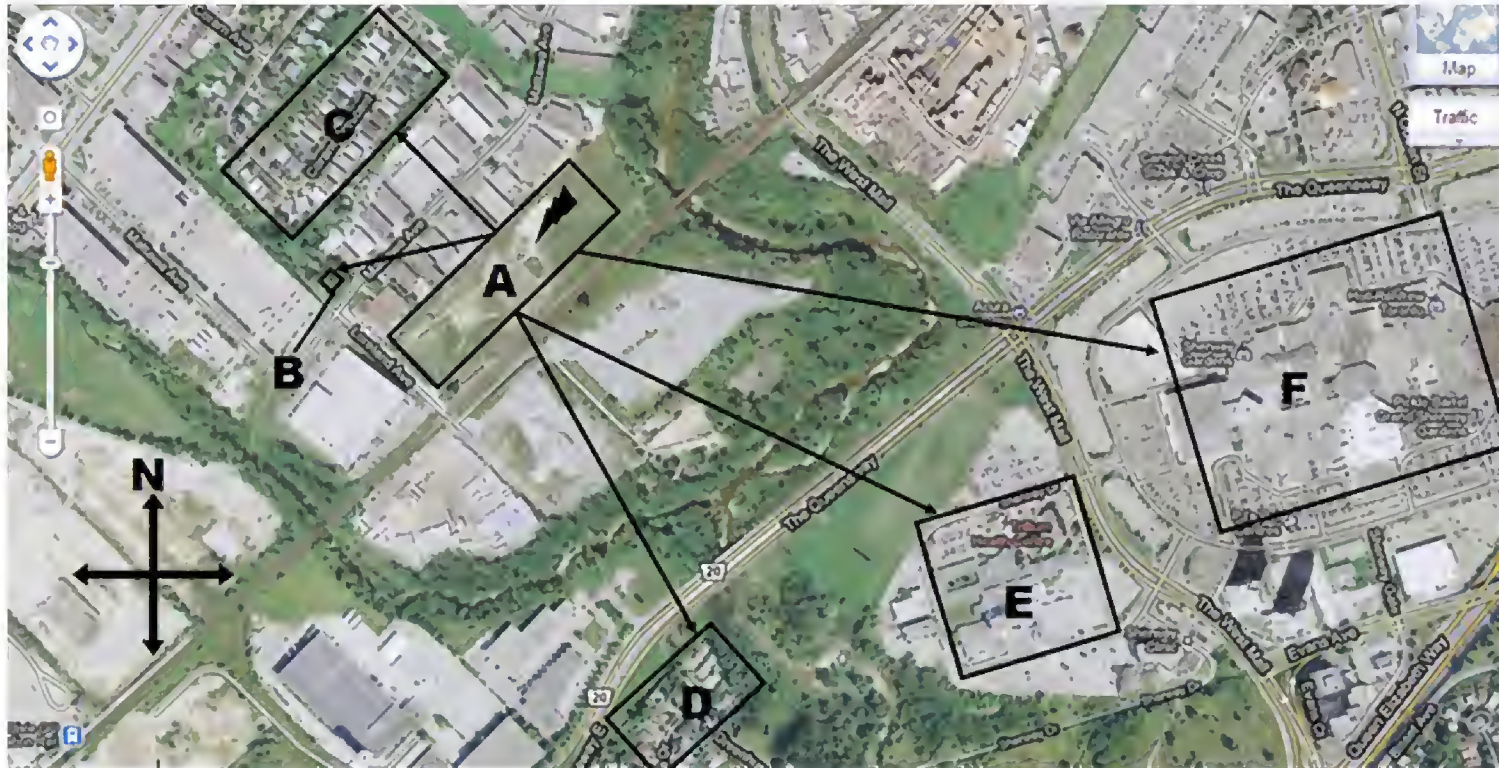
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Cayley, Daniel (ENERGY)

From: Slater, Craig (JUS)
Sent: October-11-11 8:28 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Roszell, Rand (ENE)
Subject: RE: Mississauga Gas Plant

Please contact me directly. We are sorting through the counsel who will be engaged on this.

From: Perun, Halyna N. (ENERGY)
Sent: October 10, 2011 9:21 PM
To: Slater, Craig (JUS)
Cc: Calwell, Carolyn (ENERGY); Roszell, Rand (ENE)
Subject: Fw: Mississauga Gas Plant

Privileged and Confidential

Hi Craig - Hope you had a restful weekend. This is a head's up that we may need the assistance of your office tomorrow on a rather urgent basis in developing options for the SOC's review that outline how to move forward with a lib promise that the Mississauga Gas Plant would not be proceeding (see below) at its current location. We'll be meeting with clients to support the development of options tomorrow morning and they may want to know, for example, the feasibility of bringing an application for an injunction. The contract is between a private co and the Ontario Power Authority (I believe based on same template as the TransCanada one) - we've not seen that contract as yet. The company has the requisite approvals (environmental and municipal - though the Minister of Environment had announced in June that MOE will conduct an updated review of the approval) to proceed with construction and there has apparently been quite a lot of activity on the site - despite the pronouncement that the plant would not be proceeding should the libs get reelected. The SOC has asked ENERGY and Environment to work on creative options - legal and other. I have not heard more on this over the weekend but expect that we'll be having a very busy day tomorrow preparing for the meeting with the SOC Wed morning. Either Carolyn or I will be in touch with you further on this in the morning. Thank you

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Cc: Harrison, Troy (JUS); Lung, Ken (JUS); Roszell, Rand (ENE)
Sent: Fri Oct 07 17:21:28 2011
Subject: Mississauga Gas Plant

Privileged and Confidential

The Secretary of the Cabinet has conveyed to Energy a request from the Premier that Energy work with the Ontario Power Authority and Environment to develop legal and negotiating options with respect to the Mississauga Gas Plant.

You may recall that the Liberals did say that if elected they would cancel the Plant. Energy is now being asked to brainstorm on options. The SOC has invited Energy (DM and ADM Rick Jennings), Environment (ADM Kevin French) and the OPA (CEO Colin Anderson and General Counsel Mike Lyle) to a meeting on Wed. morning to discuss this further. I have been invited to attend.

The SOC has cautioned the Premier to caution his staff, the Ministers' and their staffs not to discuss any way forward with the company building the plant.

We'll be meeting with the Energy clients on Tuesday morning to assist in developing the options – at this point I am not sure whether the SOC expects a written product or whether she'd like to simply discuss orally – but I'll keep you posted as I learn more.

Regards,

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
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Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-11-11 10:15 PM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Re: Mississauga

The inclusion of "foregone revenue" in the deck isn't to offer it up but to note that this will be the expectation of the developer. Eastern Power will also be expecting to develop a project at another site as part of any settlement.

Re the LTP, the Greenfield South project is implicitly part of the LTP. It is not mentioned explicitly in the document but is assumed as part of the approved gas capacity.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Perun, Halyna N. (ENERGY)
To: Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Tue Oct 11 21:38:37 2011
Subject: Mississauga

Hi Rick - the Deputy AG has some questions on the slides - in "next steps" - re payment for foregone revenue - I assume that is possible but not a starting position - he is wondering why we are "serving up" the foregone revenue

Also - is the miss gas plant part of the LTP? Can we say - we thought we needed this plant but we don't now?

Thanks for clarifying Rick

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

Cayley, Daniel (ENERGY)

From: Intrator, Daphne (JUS)
Sent: October-11-11 10:28 PM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Gas Plant

You'll have it in a minute.

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Intrator, Daphne (JUS); Feltman, Scott (JUS)
Sent: Tue Oct 11 22:26:56 2011
Subject: Re: Gas Plant

Carolyn and I are making changes now - do you have something for us?

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Perun, Halyna N. (ENERGY)
To: Intrator, Daphne (JUS); Feltman, Scott (JUS)
Sent: Tue Oct 11 21:57:07 2011
Subject: Re: Gas Plant

Thank you

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Intrator, Daphne (JUS)
To: Perun, Halyna N. (ENERGY); Lipman, Jay (ENE)
Cc: Wilson, Malliha (JUS); Roszell, Rand (ENE); Scarfone, Janet (JUS); Feltman, Scott (JUS); Slater, Craig (JUS); Wong, Taia (JUS); Salim, Fateh (JUS); Calwell, Carolyn (ENERGY)
Sent: Tue Oct 11 21:54:58 2011
Subject: Re: Gas Plant

Halyna

Scott and I are on the phone with eachother and are drafting a few comments for you which we hope to provide to you shortly.

Daphne

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Lipman, Jay (ENE)
Cc: Wilson, Malliha (JUS); Roszell, Rand (ENE); Scarfone, Janet (JUS); Feltman, Scott (JUS); Slater, Craig (JUS); Wong, Taia (JUS); Salim, Fateh (JUS); Intrator, Daphne (JUS); Calwell, Carolyn (ENERGY)
Sent: Tue Oct 11 21:51:23 2011
Subject: Re: Gas Plant

Thanks Jay - Malliha's email went to my MOH account -

Scott or Daphne - may I contact you this evening about adding reference to discriminatory clause -

Re the other comments from DAG - will incorporate most but we have no further info about sunk costs or loss of profits and expect that the OPA will speak to this; re reference to payment for foregone revenue in next steps - is possible outcome/possible asks but we can re-phrase

Re long term energy plan - have asked client to advise - may not hear further on this til the morning -

If anyone else has further suggestions for edits based on Dep's email please let me know asap - thank you

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Lipman, Jay (ENE)
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY)
Cc: Scarfone, Janet (JUS); Intrator, Daphne (JUS); Feltman, Scott (JUS); Roszell, Rand (ENE)
Sent: Tue Oct 11 21:21:24 2011
Subject: Fw: Gas Plant

Halyna, here is language re the regulatory option to address the comment below.

In the third bullet, after the sentence ending with "...defend the challenge." add the following sentence:
"No apparent environmental basis for action at this point".

Jay

From: Wilson, Malliha (JUS)
To: Lipman, Jay (ENE)
Sent: Tue Oct 11 20:30:55 2011
Subject: Fw: Gas Plant

Sent from my BlackBerry Wireless Device

From: Wilson, Malliha (JUS)

To: 'Halyna.Perun@ontario.ca' <Halyna.Perun@ontario.ca>; Scarfone, Janet (JUS); Intrator, Daphne (JUS); Calwell, Carolyn (ENERGY); 'SOMT.Jay.Lipman@ontario.ca' <SOMT.Jay.Lipman@ontario.ca>; Feltman, Scott (JUS)

Cc: Slater, Craig (JUS); Salim, Fateh (JUS); Wong, Taia (JUS); Roszell, Rand (ENE)

Sent: Tue Oct 11 20:29:11 2011

Subject: Fw: Gas Plant

Sent from my BlackBerry Wireless Device

From: Di Ciano, Sandra (JUS)

To: Wilson, Malliha (JUS)

Cc: Wong, Taia (JUS)

Sent: Tue Oct 11 20:12:04 2011

Subject: Re: Gas Plant

These are the DAG's suggestions:

Should say solicitor client privileged on each page and cover

Under legislative option, should first say what can be done with legislation eg give statutory authority to terminate, cap damages, set out process...

Under regulatory, say may require change in circumstances re environmental impact since, given approval and unaware of environmental impediment at this stage

Under contractual, needs reference to discrimination.

Crown not liable for contract seems a bit bold, at least need to be clear OPA could be and there could be some exposure to Crown

Would not be so explicit re where payment coming from re rate or tax base

What are heads of damages sunk; loss of profits where are we on latter

Next steps-depends if opa sees slides

Why are we serving up foregone revenue

Last two pages not tight

Is it so clear opa could force a ministerial direction?

What does the energy plan to say about this need and any replacement need? Can it be said that 'we thought we needed this plant but we don't now'?

From: Wilson, Malliha (JUS)

To: Di Ciano, Sandra (JUS)

Cc: Wong, Taia (JUS)

Sent: Tue Oct 11 18:59:07 2011

Subject: FW: Gas Plant

We have not reviewed yet – but thought I would pass on

From: Perun, Halyna N. (ENERGY)

Sent: October 11, 2011 6:46 PM

To: Wilson, Malliha (JUS)

Cc: Slater, Craig (JUS); Intrator, Daphne (JUS); Feltman, Scott (JUS); Scarfone, Janet (JUS); Lipman, Jay (ENE); Calwell, Carolyn (ENERGY); Salim, Fateh (JUS); Roszell, Rand (ENE)

Subject: Gas Plant

Privileged and Confidential

Hello Malliha – this version reflects discussion with Scott and Daphne post briefing with DAG and has inserts from MOE which Jay also worked up with Scott and Daphne.

We took a less is more approach re legal comments in the deck but I'll be prepared to speak to the matters raised at that DAG's briefing today at tomorrow morning's briefing.

Ps. Though the Contract is between the OPA and "Greenfield South Power Corporation" both the client and the OPA refer to it the developer as "Eastern Power" – so I did not change this throughout the slides at this point – something that I will speak to tomorrow as well to clarify if necessary.

Halyna

Halyna N. Perun
A/Director
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777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Cayley, Daniel (ENERGY)

From: Wilson, Malliha (JUS)
Sent: October-12-11 8:50 AM
To: Perun, Halyna N. (ENERGY)
Subject: RE: Gas Plant

Yes – just 5 mins and we shld be able to get DAG.

From: Perun, Halyna N. (ENERGY)
Sent: October 12, 2011 8:49 AM
To: Wilson, Malliha (JUS)
Subject: RE: Gas Plant

Hi – have been asked to attend a pre-brief earlier now - at 9:15 and as need to bring deck with me – would appreciate go-ahead from DAG by nine (hope that is possible!) – thanks very much

Halyna

Halyna N. Perun
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Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Wilson, Malliha (JUS)
Sent: October 12, 2011 8:03 AM
To: Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Gas Plant

Yes on phone

From: Perun, Halyna N. (ENERGY)
Sent: October 12, 2011 8:00 AM
To: Wilson, Malliha (JUS)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Gas Plant

If you are on the phone with Carolyn – great – I am in my office and call you otherwise - thanks

Halyna

Halyna N. Perun
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From: Wilson, Malliha (JUS)
Sent: October 12, 2011 7:52 AM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Gas Plant

Can we chat

From: Calwell, Carolyn (ENERGY)
Sent: October 12, 2011 7:22 AM
To: Wilson, Malliha (JUS)
Cc: Perun, Halyna N. (ENERGY)
Subject: Re: Gas Plant

Halyna is going into meeting at 9:30. By then please.

Carolyn

From: Wilson, Malliha (JUS)
To: Calwell, Carolyn (ENERGY)
Sent: Wed Oct 12 07:18:54 2011
Subject: Re: Gas Plant

When do u have to finalize carolyn. I am on my way into the office now

Sent from my BlackBerry Wireless Device

From: Calwell, Carolyn (ENERGY)
To: Scarfone, Janet (JUS); Intrator, Daphne (JUS); Lipman, Jay (ENE); Feltman, Scott (JUS); Perun, Halyna N. (ENERGY); Wilson, Malliha (JUS)
Cc: Slater, Craig (JUS); Salim, Fateh (JUS); Wong, Taia (JUS); Roszell, Rand (ENE)
Sent: Wed Oct 12 06:59:08 2011
Subject: FW: Gas Plant

I have had some transmission problems with my message below. Apologies if you have it twice.

Carolyn

From: Calwell, Carolyn (ENERGY)
Sent: Tue 11/10/2011 11:29 PM
To: Wilson, Malliha (JUS); Scarfone, Janet (JUS); Intrator, Daphne (JUS); Jay.Lipman@ontario.ca Feltman, Scott (JUS); Perun, Halyna N. (ENERGY)
Cc: Slater, Craig (JUS); Salim, Fateh (JUS); Wong, Taia (JUS); Roszell, Rand (ENE)
Subject: RE: Gas Plant

Thank you Daphne, Scott and Jay for proposed wording to address the comments below. Halyna and I have tried to incorporate the suggestions while preserving the clients' format and style. To the extent that additional detail that Daphne and Scott provided is not incorporated into the slides, that detail will be spoken to. The revised deck is attached.

We also had the opportunity to follow up on with the clients on the connection between the Long Term Energy Plan and this plant. This project was not named, but the electricity capacity that this plant is expected to provide was included in the electricity from gas forecasts, so the project is implicitly part of the LTEP. It will be difficult to say we don't need this plant now.

Carolyn

From: Wilson, Malliha (JUS)
Sent: Tue 11/10/2011 8:29 PM
To: Perun, Halyna (MOH); Scarfone, Janet (JUS); Intrator, Daphne (JUS); Calwell, Carolyn (ENERGY); 'SOMT.Jay.Lipman@ontario.ca'; Feltman, Scott (JUS)
Cc: Slater, Craig (JUS); Salim, Fateh (JUS); Wong, Taia (JUS); Roszell, Rand (ENE)
Subject: Fw: Gas Plant

Sent from my BlackBerry Wireless Device

From: Di Ciano, Sandra (JUS)
To: Wilson, Malliha (JUS)
Cc: Wong, Taia (JUS)
Sent: Tue Oct 11 20:12:04 2011
Subject: Re: Gas Plant

These are the DAG's suggestions:

Should say solicitor client privileged on each page and cover

Under legislative option, should first say what can be done with legislation eg give statutory authority to terminate, cap damages, set out process...

Under regulatory, say may require change in circumstances re environmental impact since, given approval and unaware of environmental impediment at this stage

Under contractual, needs reference to discrimination.

Crown not liable for contract seems a bit bold, at least need to be clear OPA could be and there could be some exposure to Crown

Would not be so explicit re where payment coming from re rate or tax base

What are heads of damages sunk; loss of profits where are we on latter

Next steps-depends if opa sees slides

Why are we serving up foregone revenue

Last two pages not tight

Is it so clear opa could force a ministerial direction?

What does the energy plan to say about this need and any replacement need? Can it be said that 'we thought we needed this plant but we don't now'?

From: Wilson, Malliha (JUS)
To: Di Ciano, Sandra (JUS)
Cc: Wong, Taia (JUS)
Sent: Tue Oct 11 18:59:07 2011
Subject: FW: Gas Plant

We have not reviewed yet – but thought I would pass on

From: Perun, Halyna N. (ENERGY)
Sent: October 11, 2011 6:46 PM
To: Wilson, Malliha (JUS)
Cc: Slater, Craig (JUS); Intrator, Daphne (JUS); Feltman, Scott (JUS); Scarfone, Janet (JUS); Lipman, Jay (ENE); Calwell, Carolyn (ENERGY); Salim, Fateh (JUS); Roszell, Rand (ENE)
Subject: Gas Plant

Privileged and Confidential

Hello Malliha – this version reflects discussion with Scott and Daphne post briefing with DAG and has inserts from MOE which Jay also worked up with Scott and Daphne.

We took a less is more approach re legal comments in the deck but I'll be prepared to speak to the matters raised at that DAG's briefing today at tomorrow morning's briefing.

Ps. Though the Contract is between the OPA and "Greenfield South Power Corporation" both the client and the OPA refer to it the developer as "Eastern Power" – so I did not change this throughout the slides at this point – something that I will speak to tomorrow as well to clarify if necessary.

Halyna

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prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: October-12-11 9:06 AM
To: MacCallum, Doug (ENERGY)
Subject: GS and CHP decks
Attachments: Gas Plant Considerations (v3) (Oct 11).ppt; CHP Transition Deck2.ppt

Follow Up Flag: Follow up
Flag Status: Completed

Unrelated/duplicate attachment deleted

Calwell, Carolyn (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October 12, 2011 11:13 AM
To: George, Shemain (ENERGY); Khatri, Anupa (ENERGY); Petersen, Shannon (ENERGY);
Montano, Teresita (ENERGY); Miceli, Martina (ENERGY)
Subject: Corporate Searches

Hello,

Would one of you please do corporate searches for Eastern Power and Greenfield South Power Corporation and see what you can find? I'm not sure who has our Cyberbahn password or who knows how to do the searches. It would be helpful to have the information later today.

Thank you.

Carolyn

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Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-12-11 3:06 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Mississauga gas plant

Now's fine

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 12, 2011 3:06 PM
To: King, Ryan (ENERGY)
Subject: Mississauga gas plant

We need holding messages – when's a good time to chat?

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-12-11 5:27 PM
To: Wilson, Malliha (JUS)
Cc: Calwell, Carolyn (ENERGY); Roszell, Rand (ENE); Lipman, Jay (ENE); Slater, Craig (JUS); Scarfone, Janet (JUS); Salim, Fateh (JUS)
Subject: Final slides - used at briefing
Attachments: Gas Plant Considerations final Oct 12.ppt

Duplicate attachment removed

Privileged and Confidential

Malliha:

Jay and I thought that you'd like to know how things went at the briefing this morning. (I am re-sending to you the slides that were used at the briefing).

The SOC was quite familiar with this matter and it was apparent that she had been briefed on the Mississauga Gas Plant matter before the writ dropped.

Colin Anderson (OPA CEO) provided most of the details about the plant.

I spoke to the option of proceeding with legislation. SOC asked my view as to the feasibility of this option in a minority government and I replied that while legislation would provide certainty it is a very public way of proceeding and will likely need buy-in from other parties in opposition which could be brokered (given that the other two parties also said that they do not support a plant in that location).

Kevin French for MOE addressed the regulatory option (Jay was there in support). The discussion was brief on this point as it was apparent that there was not appetite on the part of the SOC for using the MOE regulatory tools.

OPA General Counsel Mike Lyle addressed the consequences of terminating the contract without cause.

Ultimately, the discussion centered on moving forward with negotiating with the Developer to stop building at the Mississauga location and moving to another location. A number of possible locations were discussed – but it was noted that moving to another location may also have challenges - community support and various approvals would be required.

Eastern Power has not contacted the OPA – to follow up on statements made by the politicians. Nor has OPA reached out to Eastern. SOC advised that politicians and their staff have been told not to communicate with Eastern.

Colin asked that communications lines be developed for the OPA to use (1) should Eastern call and for (2) media calls.

Similarly, government should have media lines in place. Deputy Lindsay was going to follow up with Energy Communications director (they will fly by legal)

Deputy Lindsay spoke of a "negotiating mandate". SOC wanted folks to begin working on material to take to Cabinet to scope out a mandate. The materials would detail the sunk costs and lost profits. Deputy Lindsay asked what would be the back pocket "hammer" - and if it's legislation – that should be addressed in the material for Cabinet's consideration. He also thought the mandate should include a "firm cap". Direction would be sought as to who would be negotiating.

Similarly, the OPA would seek a mandate from its board.

SOC asked for more information about who the Developers are: who are their lenders and who is affiliated with the project. Apparently, Eastern Power is in litigation with the Ontario Electricity Financial Corporation and she asked for more information about that.

Finally, the issue about a going-forward plan for the regulation of gas-fired electricity facilities was discussed. This would address future plants. The primary concern to be addressed was whether siting (eg. set-back limitations) should be regulated by the Province and how any regulatory framework would ensure community involvement.

I should also note that in the pre-brief with Deputy Lindsay and ADM Rick Jennings this morning the Deputy commented on how helpful the deck was. I also want to convey my sincere thanks to the work of CLOC in support our offices (MOE and Energy LSB) in this briefing and for your support as well.

Please let us know if you'd like anything further.

Halyna

Halyna N. Perun
A/Director
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Halyna

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-12-11 9:06 AM
To: Silva, Joseph (ENERGY); Jennings, Rick (ENERGY); Kulendran, Jesse (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Rehob, James (ENERGY)
Subject: Final slides -
Attachments: Gas Plant Considerations final Oct 12.ppt

Duplicate attachment removed

Slides for the meeting – Thanks

(I already made 5 copies – so Joseph could you please take care of the remaining number of copies?)

Halyna

Halyna N. Perun
A/Director
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Ministries of Energy & Infrastructure
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Toronto, ON M5G 2E5
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From: Calwell, Carolyn (ENERGY)
Sent: October 12, 2011 8:11 AM
To: Perun, Halyna N. (ENERGY)
Subject: FW: Revised slides

Just off the phone with Daphne and Malliha - some revisions to slide 7 (2 re: discriminatory action clause - 1 re: potential NAFTA/foreign investors). Malliha is sending the deck up for approval.

Carolyn

From: Calwell, Carolyn (ENERGY)
Sent: Wed 12/10/2011 8:09 AM
To: Wilson, Malliha (JUS)
Cc: Intrator, Daphne (JUS); Perun, Halyna N. (ENERGY)
Subject: Revised slides

Revised as discussed.

Carolyn

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-13-11 9:59 AM
To: King, Ryan (ENERGY)
Subject: RE: Holding messaging

No problem ... (I am frustration-tolerant)

From: King, Ryan (ENERGY)
Sent: October 13, 2011 9:47 AM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Holding messaging

My edits,
I know this is frustrating with the lack of info but we need to tread extremely carefully on this issue and we cannot speculate very much either.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 9:41 AM
To: King, Ryan (ENERGY)
Subject: FW: Holding messaging

FYI – this is what I had sent over yesterday – haven't heard back yet.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 12, 2011 5:15 PM
To: Block, Andrew (ENERGY)
Subject: Holding messaging

Hey Andrew –

Suspect we will get calls about status of Mississauga gas plant now that election is over.

During writ, we responded with “we don't comment on campaign promises.”

Am wondering if you think the following will work for next few months:

- there is currently no change in the status of the project

if pressed about why construction is continuing:

~~work will continue on the site until the new cabinet has had a chance to review this matter~~

if pressed about when a decision will be made:

- ~~The government appreciates the need to review this matter quickly~~ issue is currently being reviewed and any next steps will be communicated.

Thanks Andrew.

Sylvia
7-4334

Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: October-13-11 10:46 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Poinen, Ruby (ENERGY); Pitkeathly, Doreen (ENERGY)
Subject: FW: DRC-2011-3813-- AMY--GTA New Supply.doc
Attachments: 3813.pdf; DRC-2011-3813-- AMY--GTA New Supply.doc

Sylvia,

We do not have a public response for this, since it was a political statement made during the campaign and government has not officially re-formed.

Has anyone developed a Q and A for this issue?

From: Poinen, Ruby (ENERGY)
Sent: October 13, 2011 10:32 AM
To: Jenkins, Allan (ENERGY)
Subject: DRC-2011-3813-- AMY--GTA New Supply.doc



Ministry of Energy

Director's Correspondence Approval Form

Log No: **DRC-2011-3813**

Type of Correspondence:

- ☒ Letter/e-mail
☐ Social Invitation
☐ Letter of Greetings/Regrets

Action Required:

- ☐ Draft response letter for Director's signature
☒ Draft response e-mail for Director's signature
☐ Draft response letter for ADM's approval

From: ☐ MPP ☒ General Public ☐ Stakeholders

Standard Update req'd ☒
New Standard req'd ☐

Incoming Letter From: AMY

Subject: GTA New Supply

Due to Dir.: OCT 19

Author: Allan Jenkins, Energy Markets

Date	Assigned To	Description
OCT 13	Allan Jenkins	PLS DRAFT RESPONSE

Comments

Approved by:	Date Sent for Approval/Signature	Signature & Date Approved (dd/mm/yy)	Signature & Date Rejected (dd/mm/yy)
Director			
ADM as required			
Comm. Dir as required.			
Deputy Minister as required			
Minister's Office as required			

bc: ☐ ADM/EA
☐ Director
☐ Author

Copy: No
Enclosure: No
Revision: ☐

Amyo.chan@cibc.ca

Dear Amy:

Your email concerning the xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx,

I trust you will find this information helpful, and thank you for writing.

Allan Jenkins
Senior Policy Specialist
Energy Markets

DRC-2011-3813

Pitkeathly, Doreen (ENERGY)

(=) DRC-RS

From: amy@chan@cibc.ca
Sent: October 12, 2011 11:01 AM
To: Write2us (ENERGY)
Subject: Mississauga Power Plant

P.C. Asks for confirmation
That Mississauga gas plant
has been cancelled
S: GTA Newsupply

Hello,

Can you confirm that the Eastern Power plant has been cancelled (as part of Prem. McGuinty's election promise)?

Please advise by Thurs. Oct 13.

Thanks,

Amy

from: Amy

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-13-11 10:48 AM
To: Jenkins, Allan (ENERGY)
Cc: Poinen, Ruby (ENERGY); Pitkeathly, Doreen (ENERGY); King, Ryan (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)
Subject: RE: DRC-2011-3813-- AMY--GTA New Supply.doc

Working on one now. Will get back to you asap.

From: Jenkins, Allan (ENERGY)
Sent: October 13, 2011 10:46 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Poinen, Ruby (ENERGY); Pitkeathly, Doreen (ENERGY)
Subject: FW: DRC-2011-3813-- AMY--GTA New Supply.doc

Sylvia,

We do not have a public response for this, since it was a political statement made during the campaign and government has not officially re-formed.

Has anyone developed a Q and A for this issue?

From: Poinen, Ruby (ENERGY)
Sent: October 13, 2011 10:32 AM
To: Jenkins, Allan (ENERGY)
Subject: DRC-2011-3813-- AMY--GTA New Supply.doc

Cayley, Daniel (ENERGY)

From: Block, Andrew (ENERGY)
Sent: October-13-11 11:23 AM
To: Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY)
Subject: RE: Mississauga Gas Plant - holding message

Looks fine to me.

Andrew Block | Senior Communications Advisor & Press Secretary | Minister of Energy | O: 416.327.6747 | M: 416.276.0511 | andrew.block@ontario.ca

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 11:22 AM
To: Block, Andrew (ENERGY); King, Ryan (ENERGY)
Subject: Mississauga Gas Plant - holding message

Hi – I made a small change (highlighted in yellow).

This matter is currently being reviewed. Next steps will be communicated **as soon as possible.**

Let me know if you have any concerns.

I'll share this with OPA and MOE and let them know they should alert us (MO/ministry) if they get any media calls to confirm response strategy. We (MOE or ENE) will refer all calls on this issue to Energy MO.

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-13-11 1:12 PM
To: Jordan, Kate (ENE); Rabbior, Mark (ENE)
Subject: Mississauga plant

Hi –

Have you received any media calls asking about plant cancellation? (if yes, how have you been responding)?

Please send any media calls on this our way.

Our MO will be taking them. (we are just finalizing holding messaging now – will share as soon as they are finalized).

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-13-11 1:14 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Mississauga Gas Plant - holding message

'any next steps'?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 1:10 PM
To: King, Ryan (ENERGY)
Subject: FW: Mississauga Gas Plant - holding message

Ok?

From: Block, Andrew (ENERGY)
Sent: October 13, 2011 1:08 PM
To: Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY)
Subject: RE: Mississauga Gas Plant - holding message

Let's stick to "next steps will be communicated as soon as possible.

Andrew Block | Senior Communications Advisor & Press Secretary | Minister of Energy | O: 416.327.6747 | M: 416.276.0511 | andrew.block@ontario.ca

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 1:03 PM
To: Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY)
Cc: Block, Andrew (ENERGY)
Subject: RE: Mississauga Gas Plant - holding message

Actually ... just wondering if that begs the question "well, promising to cancel is a new development" ... and we are asking what's happening with that promise? So maybe "next steps" is better.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 1:01 PM
To: King, Ryan (ENERGY)
Cc: Block, Andrew (ENERGY)
Subject: RE: Mississauga Gas Plant - holding message

I like it – Andrew – are you ok with this suggestion?

From: King, Ryan (ENERGY)
Sent: October 13, 2011 1:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Re: Mississauga Gas Plant - holding message

How about 'any new developments will be communicated asap'

From: Kovesfalvi, Sylvia (ENERGY)
To: King, Ryan (ENERGY)
Sent: Thu Oct 13 12:59:00 2011
Subject: FW: Mississauga Gas Plant - holding message

Hi Ryan – haven't heard back so just checking in if "asap" is ok in intended context below ... or delete?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 11:24 AM
To: King, Ryan (ENERGY); Block, Andrew (ENERGY)
Subject: RE: Mississauga Gas Plant - holding message

Thanks Ryan ... not saying a public decision will be soon – saying once we know next steps, we will communicate asap. Is that ok?

From: King, Ryan (ENERGY)
Sent: October 13, 2011 11:23 AM
To: Kovesfalvi, Sylvia (ENERGY); Block, Andrew (ENERGY)
Subject: RE: Mississauga Gas Plant - holding message

It's not certain that a public decision will be soon.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 11:22 AM
To: Block, Andrew (ENERGY); King, Ryan (ENERGY)
Subject: Mississauga Gas Plant - holding message

Hi – I made a small change (highlighted in yellow).

This matter is currently being reviewed. Next steps will be communicated as soon as possible.

Let me know if you have any concerns.

I'll share this with OPA and MOE and let them know they should alert us (MO/ministry) if they get any media calls to confirm response strategy. We (MOE or ENE) will refer all calls on this issue to Energy MO.

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-14-11 8:59 AM
To: King, Ryan (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Fw: National Post: McGuinty told to make good on promise to halt Mississauga power plant
Attachments: image002.gif; image001.gif

.gif attachments are images below

Fyi.

Sent from my BlackBerry Wireless Handheld

From: Perun, Halyna N. (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Thu Oct 13 16:14:25 2011
Subject: RE: National Post: McGuinty told to make good on promise to halt Mississauga power plant

Privileged and Confidential

Hi Sylvia – no we don't know what Eastern is saying at all (and our advice is not to contact Eastern for now)

I am not too crazy about "as soon as possible" but I understand why there might be a desire to say this. So, ultimately, am OK with this – is appropriately vague

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 1:34 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: National Post: McGuinty told to make good on promise to halt Mississauga power plant

Hi Halyna –

Actually, I was going to ask you, do we know Eastern is saying?

And, does Legal have any concerns with:

This matter is currently being reviewed. Next steps will be communicated as soon as possible.

From: Perun, Halyna N. (ENERGY)
Sent: October 13, 2011 1:18 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: National Post: McGuinty told to make good on promise to halt Mississauga power plant

Thank you Sylvia!

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 13, 2011 11:30 AM
To: Sharkawi, Rula (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: National Post: McGuinty told to make good on promise to halt Mississauga power plant

HI –

I'm actually just working with MO/policy. Here's where we are right now:

This matter is currently being reviewed. Next steps will be communicated **as soon as possible.** (this highlighted bit is under discussion).

Once we have finalized, I'll be sharing with OPA and MOE and letting them know they should alert us (MO/ministry) if they get any media calls to confirm response strategy.

We (MOE or ENE) will refer all calls on this issue to Energy MO.

From: Sharkawi, Rula (ENERGY)
Sent: October 13, 2011 11:26 AM
To: Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: Re: National Post: McGuinty told to make good on promise to halt Mississauga power plant

We are working on them and will circulate shortly. In the absence of a clear policy decision, we are basically just saying that we are reviewing the commitment.

From : Perun, Halyna N. (ENERGY)
To : Sharkawi, Rula (ENERGY)
Cc: Silva, Joseph (ENERGY); Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Sent: Thu Oct 13 10:39:35 2011
Subject: FW: National Post: McGuinty told to make good on promise to halt Mississauga power plant

Hi Rula – the Deputy was going to speak to you about developing public messaging re this plant – I guess we'll need this sooner than later. Please let us know how we can assist – thank you.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From : Energy In The News (ENERGY)
Sent: October 13, 2011 9:22 AM
To : @ENERGY-All
Subject: National Post: McGuinty told to make good on promise to halt Mississauga power plant



McGuinty told to make good on promise to halt Mississauga power plant

National Post | News
Wed Oct 12 2011
Section: Mississauga & GTA
Byline: Megan O'Toole

Postmedia News

McGuinty

Mississauga councillors are calling on the province to immediately halt construction on a 280-megawatt power plant in the city's southeast, after the Liberal government promised during the election campaign to relocate the controversial project.

Residents have continued to express concerns, however, about the ongoing construction at the Eastern Power site on Loreland Avenue.

In a motion passed Wednesday, council called on Premier **Dalton McGuinty** and the Liberal government "to take immediate action to fulfill their election promise and cancel the contract for the Loreland Eastern Power plant, and that as part of the cancellation of the project, the necessary actions be taken to halt construction and return the site to its pre-construction condition."

The Premier was not available to comment.

National Post

. Email: motoole@nationalpost.com Twitter: [megan_otoole](#)

Length: 132 words

Idnumber: 201110120136

Permalink: <http://news.nationalpost.com/2011/10/12/mcguinty-told-to-make-good-on-promise-to-halt-mississauga-power-plant/>

Tone: Neutral 

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-17-11 5:06 PM
To: Block, Andrew (ENERGY); Botond, Erika (ENERGY); Olsheski, Mark (ENERGY)
Subject: Greenfield Power Plant Mississauga

Hi – any concerns? (policy/dmo did not have concerns)

(our approved messaging is: *"This matter is currently being reviewed. Next steps will be communicated as soon as possible."*)

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 17, 2011 4:51 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Re Greenfield Power Plant Mississauga

Hi Sylvia,

Below is an email I received from a gentleman who is associated with the Applewood Homeowners Association. The association is having a meeting this Wednesday. Charles Sousa and some local council members are expected to attend. Pat Philips reviewed my original (much longer) response and made adjustments. Please review and let me know what you think.

Thank you for your email of October 12. As a standard policy, we do not release power purchase contracts as these are considered commercially sensitive. Questions about the future of the plant should be addressed to the government.

Thanks,

Tim

From: john sweeney [mailto:jsweeney2@hotmail.com]
Sent: October 12, 2011 2:50 PM
To: Tim Butters
Subject: Re Greenfield Power Plant Mississauga

Re telephone conversation this morning 10/12/11. I was enquiring about the following :=

- (1) Is the contract between Greenfield/Ontario Power available on the Internet?.
- (2) According to the Liberal Government the Plant would be moved, any idea when?.
- (3) What will the cost's be of this Plant being moved?.
- (4) Natural gas was the only Fuel to be used in the plant.
Dissilate Fuel according to there proposal need's to be used for start up, how much and where is it to be contained ?.
- (5) There has been one meeting held about 5 Years ago, for public input and nothing since.
- (6) According to your "About the Ontario Power Authority" web page :=
Transparency: We carry out our work with openness and integrity.
Accountability: We take responsibility for our actions.
Collaboration : We work together toward common goals.

Flexibility : We adapt quickly and effectively to changing circumstances.

As your Mission Statement (6) I hope you can follow through with these statements.

John Sweeney. Applewood Homeowners Association.

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Cayley, Daniel (ENERGY)

From: Krstev, Viki (ENERGY)
Sent: October-17-11 5:27 PM
To: Silva, Joseph (ENERGY); Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY)
Subject: RE: Re Greenfield Power Plant Mississauga

Sounds good to me...

From: Silva, Joseph (ENERGY)
Sent: October 17, 2011 5:02 PM
To: Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY); Krstev, Viki (ENERGY)
Subject: RE: Re Greenfield Power Plant Mississauga

No concerns ☺

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 17, 2011 5:01 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY); Krstev, Viki (ENERGY)
Subject: RE: Re Greenfield Power Plant Mississauga

"This matter is currently being reviewed. Next steps will be communicated as soon as possible."

From: Silva, Joseph (ENERGY)
Sent: October 17, 2011 5:00 PM
To: Kovesfalvi, Sylvia (ENERGY); King, Ryan (ENERGY); Krstev, Viki (ENERGY)
Subject: RE: Re Greenfield Power Plant Mississauga

Thanks Sylvie.

And, of course, we do have standard response should it come back to us, right?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 17, 2011 4:59 PM
To: King, Ryan (ENERGY); Krstev, Viki (ENERGY); Silva, Joseph (ENERGY)
Subject: FW: Re Greenfield Power Plant Mississauga

Any concerns?

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 17, 2011 4:51 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Re Greenfield Power Plant Mississauga

Hi Sylvia,

Below is an email I received from a gentleman who is associated with the Applewood Homeowners Association. The association is having a meeting this Wednesday. Charles Sousa and some local council members are expected to attend. Pat Philips reviewed my original (much longer) response and made adjustments. Please review and let me know what you think.

Thank you for your email of October 12. As a standard policy, we do not release power purchase contracts as these are considered commercially sensitive. Questions about the future of the plant should be addressed to the government.

Thanks,

Tim

From: john sweeney [mailto:jsweeney2@hotmail.com]
Sent: October 12, 2011 2:50 PM
To: Tim Butters
Subject: Re Greenfield Power Plant Mississauga

Re telephone conversation this morning 10/12/11. I was enquiring about the following :=

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- (3) What will the cost's be of this Plant being moved?.
- (4) Natural gas was the only Fuel to be used in the plant.
Dissilate Fuel according to there proposal need's to be used for start up, how much and where is it to be contained ?.
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As your Mission Statement (6) I hope you can follow through with these statements.

John Sweeney. Applewood Homeowners Association.

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Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: October-18-11 10:57 AM
To: McKeever, Garry (ENERGY)
Subject: Draft deck: Greenfield South Construction.ppt
Attachments: Greenfield South Construction.ppt

This could be added to the OPA information, or a summary slide with more detail on cost information and alternative sites could be added in.

Greenfield South Generating Station

Next Steps

Date: October XX, 2011

Stopping Construction

- On September 24, in Mississauga, local Liberal party candidates announced that “construction on the project would be halted” and that “if elected the Government would work with Eastern to choose a new site.”
- The Mayor of Mississauga attended the announcement and endorsed the decision. On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition
- On September 28, the media carried pictures of the plant with construction well underway.

Issues

- Construction continues at the Greenfield South site. The developer has requested formal notice from the government before ceasing construction.
- The project has a valid contract with the OPA and all applicable approvals, and is operating without breach so that any regulatory mechanism for stopping construction could be challenged.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. The OPA would require instruction from government to approach the developer to begin procedures to negotiate a change or to terminate the contract.
- Alternative site options and alternative ways to supply Mississauga have not been adequately identified at this time. Alternative sites would require new provincial and municipal approvals processes to be undertaken are likely to raise new issues.
- Statements have been made by local politicians that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- OPA could be asked to approach Eastern Power about negotiating a settlement, which could include payment for costs to date (sunk costs), payment for foregone revenue, or negotiations for a contract at a new site. An incentive may be required. The project's lenders should be included in negotiations, assuming that Eastern Power is agreeable.
- The OPA has made some preliminary analysis of costs and foregone revenue and has identified a range of sites that require government review before being shared with Eastern Power. These alternative sites have various issues associated with them
- Proponent may not be interested in developing the proposed alternative sites and may be willing to settle for a financial cash settlement representing foregone net revenue or may view its prospects as being better through the courts.
- Could require a Ministerial direction to the OPA to renegotiate the contract or cancel the contract. The Government could agree to cover some or all of the settlement costs.

Appendix

Key Facts About the Greenfield South Plant

- Successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP, contract signed with the OPA in April 2005.
- Eastern Power, the project developer based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured financing (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site

B – Closest House

C – Closest Subdivision (North)

D – Closest Subdivision (South)

E – Trillium Heath Centre

F – Sherway Gardens Mall

Distance:

A to B: 220 Meters

A to C: 270 Meters

A to D: 500 Meters

A to E: 740 Meters

A to F: 910 Meters



*Plant construction as of 28 September 2011



Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-18-11 11:43 PM
To: Sharkawi, Rula (ENERGY)
Subject: Re: IMPORTANTw: Mississauga Plant Fw: Toronto Star asking about need for Mississauga power plant

No response has been provided. OPA drafting for our review. Will fill you in in the morning.

Sent from my BlackBerry Wireless Handheld

From: Sharkawi, Rula (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Tue Oct 18 21:04:20 2011
Subject: IMPORTANTw: Mississauga Plant Fw: Toronto Star asking about need for Mississauga power plant

See below.

From: Sharkawi, Rula (ENERGY)
To: Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Sent: Tue Oct 18 21:02:27 2011
Subject: Mississauga Plant Fw: Toronto Star asking about need for Mississauga power plant

Deputy - Looks like John Spears put a call into the OPA today. Scroll to the bottom to see line of questioning of what seems to be a fishing expedition on the rationale for the plant in first place and why a change in direction.

We did follow the protocol in place which was to notify CO and MO. We are in the process of confirming that no responses were provided to Spears yet.

We will send you draft responses as soon as we have them. We may chose to simply say we are reviewing the matter at this time and not go beyond that.

Rula

From: Kovesfalvi, Sylvia (ENERGY)
To: Robart, Lisa (CAB)
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); @CAB-Issues; King, Ryan (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Sent: Tue Oct 18 15:25:21 2011
Subject: RE: Toronto Star asking about need for Mississauga power plant

We've asked OPA to draft responses for our review (emphasizing that plant hasn't been cancelled, it will be relocated)

From: Robart, Lisa (CAB)
Sent: October 18, 2011 3:17 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); @CAB-Issues
Subject: RE: Toronto Star asking about need for Mississauga power plant

Thanks, Sylvia. Will let P.O. know.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 18, 2011 3:07 PM
To: @CAB-Issues
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Toronto Star asking about need for Mississauga power plant
Importance: High

FYI. (I've forwarded to our MO and will follow-up with our suggested response).

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 18, 2011 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Sylvia,

We just received the following email from John Spears. As noted, he's looking for some planning analysis with respect to the need for Greenfield South.

TB

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears
Toronto Star
416-869-4353

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Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-18-11 12:03 PM
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY)
Subject: Draft deck
Attachments: Greenfield South Construction Oct 18 2011.ppt

Rick

Allan has drafted a deck and I have made some additions/comments. Once we have the OPA's material we can make any necessary changes.

G

Greenfield South Generating Station

Next Steps

Date: October XX, 2011

Stopping Construction

- On September 24, in Mississauga, local Liberal party candidates announced that “construction on the project would be halted” and that “if elected the Government would work with Eastern to choose a new site.”
- The Mayor of Mississauga attended the announcement and endorsed the decision. On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition
- On September 28, the media carried pictures of the plant with construction well underway.

Issues

- Construction continues at the Greenfield South site. The developer has requested formal notice from the government before ceasing construction.
- The project has a valid contract with the OPA and all applicable approvals, and is operating without breach so that any regulatory mechanism for stopping construction could be challenged.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract.
- The OPA would require instruction from government to approach the developer to begin procedures to negotiate a change or to terminate the contract.
- Construction at the site is proceeding. Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification that the contract has been cancelled
- Alternative site options and alternative ways to supply Mississauga have not been adequately identified at this time. Alternative sites would require new provincial and municipal approvals processes to be undertaken are likely to raise new issues.
- Statements have been made by local politicians that the plant would not be relocated to a site in Mississauga or Toronto. (THIS WOULD RULE OUT PORTLANDS)

Next Steps Involve the OPA

- OPA could be asked to approach Eastern Power about negotiating a settlement, which could include payment for costs to date (sunk costs), payment for foregone revenue, or negotiations for a contract at a new site. An incentive may be required. The project's lenders should be included in negotiations, assuming that Eastern Power is agreeable.
- The OPA has made some preliminary analysis of costs and foregone revenue and has identified a range of sites that require government review before being shared with Eastern Power. These alternative sites have various issues associated with them
- Proponent may not be interested in developing the proposed alternative sites and may be willing to settle for a financial cash settlement representing foregone net revenue or may view its prospects as being better through the courts.
- Could require a Ministerial direction to the OPA to renegotiate the contract or cancel the contract. The Government could agree to cover some or all of the settlement costs [to reduce the burden on the electricity consumer](#).

Appendix

Key Facts About the Greenfield South Plant

- Successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP, contract signed with the OPA in April 2005.
- Eastern Power, the project developer based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured financing (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site

B – Closest House

C – Closest Subdivision (North)

D – Closest Subdivision (South)

E – Trillium Heath Centre

F – Sherway Gardens Mall

Distance:

A to B: 220 Meters

A to C: 270 Meters

A to D: 500 Meters

A to E: 740 Meters

A to F: 910 Meters



*Plant construction as of 28 September 2011



Fisher, Petra (ENERGY)

From: Duguid_Brad-MPP <bduguid.mpp@liberal.ola.org >
Sent: October-18-11 2:58 PM
To: Write2us (ENERGY)
Subject: FW: Etobicoke Power Plant construction

From: Roy M. Boyce [mailto:royboyce@rogers.com]
Sent: Sunday, October 02, 2011 11:43 PM
To: anna.anderson@utoronto.ca; 'Daphne Korczak'
Cc: oneeyeblicking@hotmail.com; inescolucci@hotmail.com; 'katie collett'; kinga@thinkers.cx; j_levans@rogers.com; fullblast@sympatico.ca; monicakathrine@yahoo.com; nadia.douglas@gmail.com; r_ruddle@yahoo.com; yvonne.cheng@gmail.com; dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthhome@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; krawczyk123@hotmail.com; sarandipitous@rogers.com; stephanienyilas@yahoo.ca; ssteale001@sympatico.ca; vanessacarty@rogers.com; adrianna.bogris@gmail.com; aylin_ugur@hotmail.com; candace.freyseng@rogers.com; elenakontrec@yahoo.ca; rrobyne_@hotmail.com; rbianchini@hotmail.com; smichaelis@rogers.com; tamara.miljevic@yahoo.ca; naranjov@yahoo.com; Broten_Laurel-MPP-CO; Sousa_Charles-MPP; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; councillor_holyday@toronto.ca; Duguid_Brad-MPP; jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca; andrew.pride@powerauthority.on.ca; derek.emerson@xpedx.com; d3748@rogers.com; rohn0562@rogers.com; aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca; news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca; globalnews.tor@globaltv.com; breakingnews@cp24.com
Subject: RE: Etobicoke Power Plant construction

Hi Everyone,

With the election fast approaching it is so encouraging to see that many of our neighbours have forgone party and candidate signs in favour of a clear message regarding the proposed power station. Not only would this carbuncle impact our lives with noise, vibration, pollution it also poses a threat to the already stressed Etobicoke Creek.

The impact is far reaching when you take into account the tons of concrete and steel together with all the pcb's and metals used in switchgear and control systems, manufacturing and transportation that is required to construct such a plant. Crazy when you consider that we have been paying our US neighbours to take our power from the network.

The whole episode has been rolling along for some years now and our family is grateful to all those that have been involved throughout the ordeal.

Spend your vote wisely and hold them accountable.

Roy

Roy M. Boyce B.Sc.
Sales Representative

Sutton Group Elite Realty Inc.
3643 Cawthra Road, Ste 101
Mississauga, ON L5A 2Y4

T. 905-848-9800
F. 905-848-9803
C. 647-404-4711

-----Original Message-----

From: anna.anderson@utoronto.ca [mailto:anna.anderson@utoronto.ca]

Sent: July-29-11 9:08 PM

To: Daphne Korczak

Cc: oneeyeblicking@hotmail.com; inescolucci@hotmail.com; katie_collett; kinga@thinkers.cx; j_levans@rogers.com; fullblast@sympatico.ca; monicakathrine@yahoo.com; nadia.douglas@gmail.com; r_ruddle@yahoo.com; yvonne.cheng@gmail.com; dilekdag@gmail.com; hezfen@hotmail.com; jlvalvano@hotmail.com; chiaraarevalo@sympatico.ca; frosthme@gmail.com; jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com; kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca; marisasalitulo@rogers.com; missymartini11@yahoo.com; nikki.mcintosh@medtronic.com; krawczyk123@hotmail.com; sarandipitous@rogers.com; stephanienyilas@yahoo.ca; sstele001@sympatico.ca; vanessacarty@rogers.com; adrianna.bogris@gmail.com; aylin_ugur@hotmail.com; candace.freyseng@rogers.com; elenakontrec@yahoo.ca; Roy Boyce; rrobyne_@hotmail.com; rbianchini@hotmail.ca; smichaelis@rogers.com; tamara.miljevic@yahoo.ca; naranjov@yahoo.com; lbroten.mpp.co@liberal.ola.org; csousa.mpp@liberal.ola.org; hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca; councillor_milczyn@toronto.ca; councillor_grimes@toronto.ca; d.cansfield.mpp.co@liberal.ola.org; councillor_holyday@toronto.ca; bduguid.mpp@liberal.ola.org; jim.tovey@mississauga.ca; bob.collins@powerauthority.on.ca; media@powerauthority.on.ca; andrew.pride@powerauthority.on.ca; derek.emerson@xpedx.com; d3748@rogers.com; rohn0562@rogers.com; aschaefer@rogers.com; news@marklandwood.com; terry.davidson@sunmedia.ca; kevin.connor@sunmedia.ca; news.to@citynews.ca; news@nowtoronto.com; city@thestar.ca; torsun.citydesk@sunmedia.ca; news@ctv.ca; globalnews.tor@globaltv.com; breakingnews@cp24.com

Subject: RE: Etobicoke Power Plant construction- Community Meeting

My request to participate in Thursday meeting was turned down. Why? Because I do not live close enough to the construction site.What?!

I really do not care if I do not reside in close proximity to the plant - our house is on the border between Mississauga and Etobicoke. My family is AGAINST this project. But nobody asks us((((The air is already heavily polluted in the city. This plant is going to be a heavy burden on our lungs. By-products of burning will slowly but surely ruin us and our children. I am so angry! I guess our family will have to move somewhere else in GTA. If it is the matter of election, the officials will not get my voice.

Anna Anderson and family.

Quoting Daphne Korczak <daphnekorzak@hotmail.com>:

- >
- > Dear elected officials, media and power authorities,
- >
- > How does this happen in a civilized society? A systematic assault
- > on children and families, whose only crime is living in their homes
- > (and paying high taxes and land transfer fees to do so) and
- > breathing the air that their captors intend to use to pollute them?
- > I thought Toronto was better than this.

>

> "The issue seems to be that there will be a cost associated with
 > cancelling the PowerPlant's permits " - This is akin to a
 > shoplifter refusing to turn himself in because he will have to give
 > the stolen goods back! We paid for the cancellation of the island
 > airport/bridge construction - a project that would not physically
 > harm anybody...it was just noise and traffic...this is health and
 > life-threatening disease. The permits should never have been
 > granted in the first instance; using this error as an obstacle to
 > doing the right thing is an unthinkable perversion of logic and
 > ethics.

>

> Where are the investigative journalists?? Is a systematic
 > application of terror not worth pursuing? Who is responsible? Who
 > is accountable? We will find out.

>

> This issue will be pursued. Which side will you be on when it is?

>

> Do the right thing and cancel this project now.

>

>

> Daphne Korczak and family

>

>

>

>

>

>

> From: oneeyeblicking@hotmail.com
 > To: anna.anderson@utoronto.ca; daphnekorczak@hotmail.com;
 > inescolucci@hotmail.com; keollett53@hotmail.com; kinga@thinkers.cx;
 > j_levans@rogers.com; fullblast@sympatico.ca;
 > monicakathrine@yahoo.com; nadia.douglas@gmail.com;
 > r_ruddle@yahoo.com; yvonne.cheng@gmail.com; dilekdag@gmail.com;
 > hezfen@hotmail.com; jlvalvano@hotmail.com;
 > chiaraarevalo@sympatico.ca; frosthme@gmail.com;
 > jacqueline.dowhaniuk@gmail.com; karen_andrews@rogers.com;
 > kd1020@hotmail.com; lori_rob@rogers.com; marciacorreale@hotmail.ca;
 > marisasalituro@rogers.com; missymartini11@yahoo.com;
 > nikki.mcintosh@medtronic.com; krawczyk123@hotmail.com;
 > sarandipitous@rogers.com; stephanienyilas@yahoo.ca;
 > sstele001@sympatico.ca; vanessacarty@rogers.com;
 > adrianna.bogris@gmail.com; aylin_ugur@hotmail.com;
 > candace.freyseng@rogers.com; elenakontrec@yahoo.ca;
 > royboyce@rogers.com; rrobyne_@hotmail.com; rbianchini@hotdocs.ca;
 > smichaelis@rogers.com; tamara.miljevic@yahoo.ca; naranjov@yahoo.com;
 > lbrotten.mpp.co@liberal.ola.org; csousa.mpp@liberal.ola.org;
 > hazel.mccallion@mississauga.ca; mayor_ford@toronto.ca;
 > councillor_milezyn@toronto.ca; councillor_grimes@toronto.ca;
 > d.cansfield.mpp.co@liberal.ola.org; councillor_holyday@toronto.ca;
 > bduguid.mpp@liberal.ola.org; jim.tovey@mississauga.ca;

- > the communications links for the elected Ministers who require
- > public pressure to help them oppose the continued construction of
- > this dangerously irresponsible project.
- >
- >
- >
- > John Wilkinson, Minister of Environment
- > <http://www.ene.gov.on.ca/environment/en/main/contacts/minister/index.htm>Brad
- > Duguid, Minister of Energy –
- > <http://www.mei.gov.on.ca/en/about/index.php?page=contact-information>
- >
- >
- > For those looking for info about the power plant, check out Rogers
- > TV's recent program about the issue: <http://goo.gl/7WqN9>
- >
- > Cheers,
- >
- > Heather, Derek and baby Kira Emerson
- > 18 Fieldstone Rd., M9C 2J6
- > 416 621-5107
- >
- >
- >
- >
- >

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-18-11 3:44 PM
To: King, Ryan (ENERGY)
Subject: FW: Mississauga power plant

fyi

From: Block, Andrew (ENERGY)
Sent: October 18, 2011 3:24 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Botond, Erika (ENERGY)
Subject: RE: Mississauga power plant

Perfect. Thanks Sylvia

Andrew Block | Senior Communications Advisor & Press Secretary | Minister of Energy | O: 416.327.6747 | M: 416.276.0511 | andrew.block@ontario.ca

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 18, 2011 3:24 PM
To: Block, Andrew (ENERGY)
Cc: Botond, Erika (ENERGY)
Subject: RE: Mississauga power plant

Thanks Andrew ... I'll ask OPA to draft responses to Spears' q's, emphasizing the new location point, and send back to us ...

From: Block, Andrew (ENERGY)
Sent: October 18, 2011 3:20 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Botond, Erika (ENERGY)
Subject: RE: Mississauga power plant

Hi Sylvia,

OPA should remind him that the plant is not cancelled but will be moved to a new location and that details on that are to come...

Andrew Block | Senior Communications Advisor & Press Secretary | Minister of Energy | O: 416.327.6747 | M: 416.276.0511 | andrew.block@ontario.ca

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 18, 2011 3:09 PM
To: Block, Andrew (ENERGY)
Cc: Botond, Erika (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Hi Andrew –

Let me know when you are available to discuss.

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 18, 2011 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Sylvia,

We just received the following email from John Spears. As noted, he's looking for some planning analysis with respect to the need for Greenfield South.

TB

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears
Toronto Star
416-869-4353

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-18-11 4:13 PM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Fw: Greenfield South
Attachments: Greenfield South Options.pdf

Privileged and Confidential

Please see attached

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Khatri, Anupa (ENERGY)
To: Perun, Halyna N. (ENERGY)
Sent: Tue Oct 18 16:11:24 2011
Subject: Greenfield South

Hi Halyna,

The scanned version is attached, as requested.

Regards,
Anupa Khatri
Director's Secretary
Ministries of Energy & Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: 416-325-1841

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Greenfield South Options

October 20, 2011

Privileged and Confidential – Prepared in Contemplation of Litigation

Background

- Greenfield South Power Corporation ("Greenfield") and the OPA entered into a contract on 12 April 2005
- Greenfield is controlled by Eastern Power Corporation
- Contract was amended on 16 March 2009
- Reason for amendment was long delays project suffered in securing necessary approvals to construct the project and to do away with the oil-fired option for fuelling the plant
- OPA and Province also motivated in part to keep project alive by low cost to ratepayers of project established in the competitive RFP process in 2004/2005
- In May 2011 Greenfield achieved financial close, securing debt financing from Credit Suisse and EIG for \$550 million

Contract Facility

- The Contract Facility is an approximately 300 MW combined cycle gas-fired generation station
- Major components of facility include a GE 7FA gas turbine (“GT”) a heat recovery steam generator (“HRSG”) and a steam turbine
- All major items for the project are completed
- Construction began in June 2011 and is approximately x% complete now
- The Milestone Date for Commercial Operation is September 1, 2014

Contract Facility

- The total dollar value of capital expenditures ("CAPEX") for the facility are between \$250 - \$350 million
- Gas and electrical interconnection work has not yet commenced
- Total estimated sunk and committed costs are on the neighbourhood of \$x million
- We estimate the profits from the contract, excluding any residual value, are approximately \$x million

Moving Greenfield South does not result in immediate unreliability, but accelerates the need for Tx solutions

- Planning studies indicate that transmission reinforcement in west GTA could be required 2 years earlier, as early as 2018, if Greenfield South is not located within west GTA
- These need dates are based on assumptions associated with the LTEP and current reliability criteria, which are likely to evolve
- The transmission reinforcements are extensive in scope and require the immediate initiation of planning and development work with local utilities, the IESO and transmitters

Siting Options - There are several alternative site options

Some deliver more value than others with different levels of complexity

- Considerations
 - Value of Location, Gas Availability, Transmission, Counterparty
- There may be a system need starting in 2016 to 2018
- Regional needs include:
 - Northwest System
 - Cambridge
 - GTA
- Some sites have gas available in varying quantities
- Examples of potential sites :
 - OPG (Lennox, Nanticoke (some gas there now), Thunder Bay (pipeline required))
 - NUGs (TCPL compressor sites, Trans Alta Pearson Airport, Whitby, Fort Frances(was on gas now on BIO))
 - Portlands, Goreway
- Some arrangements could be more straight forward or more complicated depending on the counterparty.

Key Contractual Provisions

- Grounds for termination of contract limited to certain types of breach and extended force majeure (none of which applicable here)
- Contract excludes liability for certain types of damages including loss of profits
- Contract provides right to damages including lost profits for discriminatory action (legislation or regulation passed) where impact focused on contract counter-party
- Damages for discriminatory action determined through arbitration process
- All other disputes only go to arbitration if both parties agree

Payment Under Contract

- Once plant in commercial operation, generator is paid monthly capacity payment to cover its costs and profit
- Monthly payment reduced by amount generator is deemed to earn in the market selling electricity
- This reduction is calculated using formula to determine when it is economic for generator to be generating electricity
- OPA may also direct the plant operator to dispatch or not dispatch its facility at specified dates and times

Option 1- Contract Termination

- Unilateral termination of contract – OPA informs contract counter-party that it will not perform its obligations under the contract
 - Pros:
 - » Greenfield South will be required to begin to mitigate its damages which means they should stop construction (or at the very least, the OPA will not likely be liable for those additional costs that could have been avoided after date of termination of contract)
 - Cons:
 - » Does not provide opportunity to explore options for relocating project
 - » Sends negative message to other OPA counter-parties

Option 2 - Legislation

- Legislation passed to terminate the contract, set compensation or provide a process and methodology for determining compensation

– Pros:

- » Allows Government to control level of compensation to be paid
- » Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)

– Cons:

- » Will be controversial
- » Potential impact on investment climate

Option 3 - Negotiation

- OPA attempts to commence negotiations with Greenfield South re stopping construction and new location for facility
 - Pros:
 - » OPA has opportunity to assess position of Greenfield South and what they are seeking to agree to stop construction
 - » OPA can begin discussion of alternative sites
 - Cons:
 - » Greenfield South may refuse to commence discussions or seek to drag discussions on while it continues to construct plant
 - » May need to revert at some stage to other options

Option 4 - Pay Plant Not to Run

- Allow plant to be constructed but ensure it does not operate using directed dispatch mechanism in contract

– Pros:

» OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant to not operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits

– Cons:

» Will be difficult to convince community that plant will not operate

Recommendation

- OPA to commence negotiations with Greenfield South (Option 3)
- If negotiations do not succeed in stopping construction of plant, will likely need to revert to one of the other options

Fisher, Petra (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-18-11 4:13 PM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: Fw: Greenfield South
Attachments: Greenfield South Options.pdf

Duplicate Attachment Deleted.

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Please see attached

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

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Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-18-11 4:31 PM
To: Lindsay, David (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Cc: King, Ryan (ENERGY)
Attachments: Greenfield South Construction Oct 20 2011.ppt

Attached is a draft slide deck with a minute.

Greenfield South Generating Station

Next Steps

Date: October 20, 2011

Stopping Construction

- On September 24, in Mississauga, local Liberal party candidates announced that “construction on the project would be halted” and that “if elected the Government would work with Eastern to choose a new site.”
- The Mayor of Mississauga attended the announcement and endorsed the decision. On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition
- On September 28, the media carried pictures of the plant with construction well underway.

Issues

- Construction continues at the Greenfield South site. The developer has requested formal notice from the government before ceasing construction.
- The project has a valid contract with the Ontario Power Authority and all applicable approvals, and is operating without breach so that any regulatory mechanism for stopping construction could be challenged.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract.
- The OPA would require instruction from government to approach the developer to begin procedures to negotiate a change or to terminate the contract.
- Construction at the site is proceeding. Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification that the contract has been cancelled
- Alternative site options and alternative ways to supply Mississauga have not been adequately identified at this time. Alternative sites would require new provincial and municipal approvals processes to be undertaken and are likely to raise new issues.
- Statements have been made by local politicians that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to discuss a settlement with Eastern Power. The discussion would include potential treatment of costs incurred to date (sunk costs), treatment of equipment costs and contracts, estimates and treatment of foregone revenue, and options and interest with respect to relocating to an alternative site. The discussions could include the project's lenders assuming that Eastern Power is agreeable.
- The OPA has made some preliminary analysis of costs and foregone revenue and has identified several sites that would require government review before being shared with Eastern Power. Each of these alternative sites have various issues associated with them
- Eastern Power may or may not be interested in developing the proposed alternative sites and may be willing to settle for a financial cash settlement or may view its prospects as being better through the courts.
- The Government could agree to cover some or all of the settlement costs with Eastern Power to reduce the burden on the electricity consumer.

Cabinet Minute

Cabinet agreed that:

- The Minister of Energy will ask the Ontario Power Authority to immediately begin discussions with Eastern Power on: halting all construction at the Greenfield South site; treatment of and verification of approval and construction costs incurred by Eastern Power to date; treatment and verification of equipment costs and contractual issues; treatment and measurement of expected value of the plant; and, interest in and feasibility of relocating to an alternative site.
- The Ontario Power Authority be asked to report back to the Minister of Energy on the outcomes of its negotiations with Eastern Power by the end of November 2011.
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the proposed settlement with Eastern Power. This report back would include recommendations as to what share, if any, of the cost would be appropriately borne by the Government through the Consolidated Revenue Fund.

Cabinet Minute (Continued)

- The Ministry of Energy to work with Premier's Office/Cabinet Office on a stakeholder management and communications strategy.

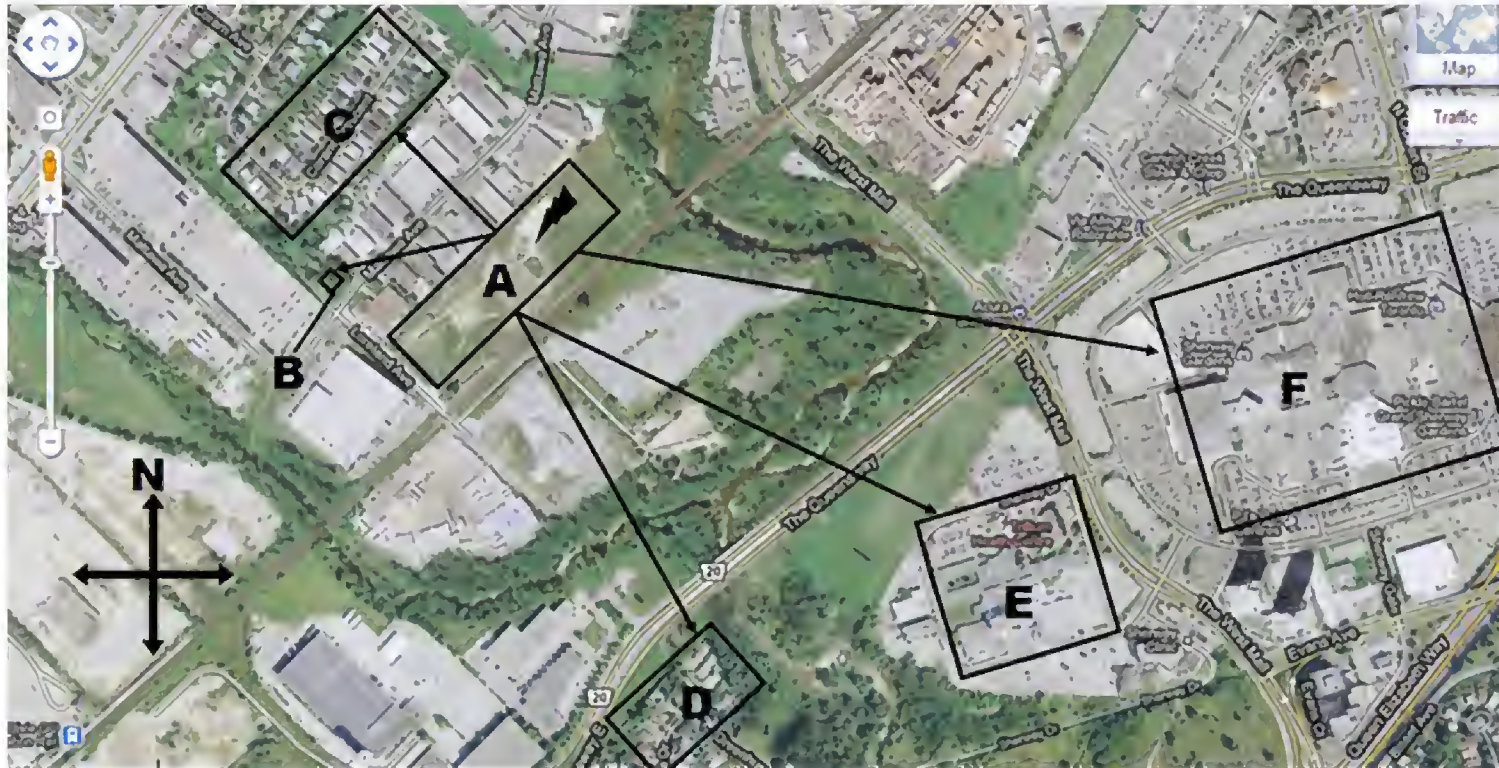
DRAFT

Appendix

Greenfield South Background

Key Facts About the Greenfield South Plant

- Successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP, contract signed with the OPA in April 2005.
- Eastern Power, the project developer based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
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*Plant construction as of 28 September 2011



Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-18-11 4:32 PM
To: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); King, Ryan (ENERGY)
Subject: FW: Greenfield South
Attachments: Duplicate attachment removed

Material from the OPA attached

From: Perun, Halyna N. (ENERGY)
Sent: October 18, 2011 4:13 PM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
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Halyna Perun
A\Director
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To: Perun, Halyna N. (ENERGY)
Sent: Tue Oct 18 16:11:24 2011
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Anupa Khatri
Director's Secretary
Ministries of Energy & Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: 416-325-1841

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-18-11 4:44 PM
To: King, Ryan (ENERGY)
Subject: FW:
Attachments: Greenfield South Construction Oct 20 2011.ppt

Duplicate attachment removed

Ryan, do you happen to have the text of the Mississauga motion?

From: Perun, Halyna N. (ENERGY)
Sent: October 18, 2011 4:33 PM
To: Calwell, Carolyn (ENERGY)
Subject: Fw:

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Jennings, Rick (ENERGY)
To: Lindsay, David (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Cc: King, Ryan (ENERGY)
Sent: Tue Oct 18 16:30:52 2011
Subject:

Attached is a draft slide deck with a minute.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-18-11 5:04 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Mississauga power plant

Our messaging should remain unchanged.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 18, 2011 4:26 PM
To: King, Ryan (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

FYI

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 18, 2011 4:14 PM
To: Tim Butters; Patricia Phillips; Kovesfalvi, Sylvia (ENERGY)
Subject: RE: Mississauga power plant
Importance: High

Sylvia – based on agreed to messaging earlier in the week would it not be more appropriate for the ministry to handle this? If the messaging has changed, i.e. the commitment to relocate the plant is under review, please let us know. Thanks.

Kristin

From: Tim Butters
Sent: October 18, 2011 3:42 PM
To: Patricia Phillips
Cc: Kristin Jenkins
Subject: Fw: Mississauga power plant

Fyi

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: Tuesday, October 18, 2011 03:27 PM
To: Tim Butters
Subject: RE: Mississauga power plant

Hi Tim –

Could your folks please draft a response (emphasizing plant is not cancelled, it will be relocated) for our review.

Thanks again.

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 18, 2011 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Sylvia,

We just received the following email from John Spears. As noted, he's looking for some planning analysis with respect to the need for Greenfield South.

TB

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears
Toronto Star
416-869-4353

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-18-11 6:23 PM
To: Perun, Halyna N. (ENERGY)
Attachments: Greenfield South Construction Oct 20 2011.LSB.3.clean.ppt

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Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Stopping Construction

- On September 24, in Mississauga, local Liberal party candidates announced that “construction on the project would be halted” and that “if elected the Government would work with Eastern to choose a new site.” The Mayor of Mississauga attended the announcement and endorsed the decision.
- On September 28, the media carried pictures of the plant with construction well underway.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition

Issues

- Construction continues at the Greenfield South site. The developer has requested formal notice before ceasing construction.
- The project has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work is in compliance with the contract and current approvals.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. Current circumstances give the OPA no right under the contract to terminate.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Construction at the site is proceeding. Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification that the contract has been cancelled.
- Alternative site options and alternative ways to supply Mississauga have not been adequately identified at this time. Alternative sites would require new provincial and municipal approvals processes to be undertaken and are likely to raise new issues.
- Local politicians have stated that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- The OPA has made some preliminary analysis of costs and foregone revenue and has identified several sites that would require government review before being shared with Eastern Power. Each of these alternative sites have various issues associated with them.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.
- The Government could agree to cover some or all of Eastern Power's price to walk away from the Mississauga plant to reduce the burden on the electricity consumer.

Immediate Legal Risks

- Eastern Power could refuse to negotiate, requiring the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

- The Minister of Energy will ask the Ontario Power Authority to immediately begin discussions with Eastern Power with a view to reaching an agreement by December 2011 on: halting all construction at the Greenfield South site; treatment of and verification of project development and construction costs incurred by Eastern Power to date; treatment and verification of equipment costs and construction and equipment contracts; treatment and measurement of expected value of the plant; and, Eastern Power's interest in and feasibility of relocating to an alternative site.
- The Ontario Power Authority be asked to report back to the Minister of Energy on the outcomes of its discussions with Eastern Power by the end of November 2011.
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power. This report back would include recommendations as to what share, if any, of the cost would be appropriately borne by the Government through the Consolidated Revenue Fund.

Cabinet Minute (Continued)

- The Ministry of Energy to work with Premier's Office/Cabinet Office on a stakeholder management and communications strategy.

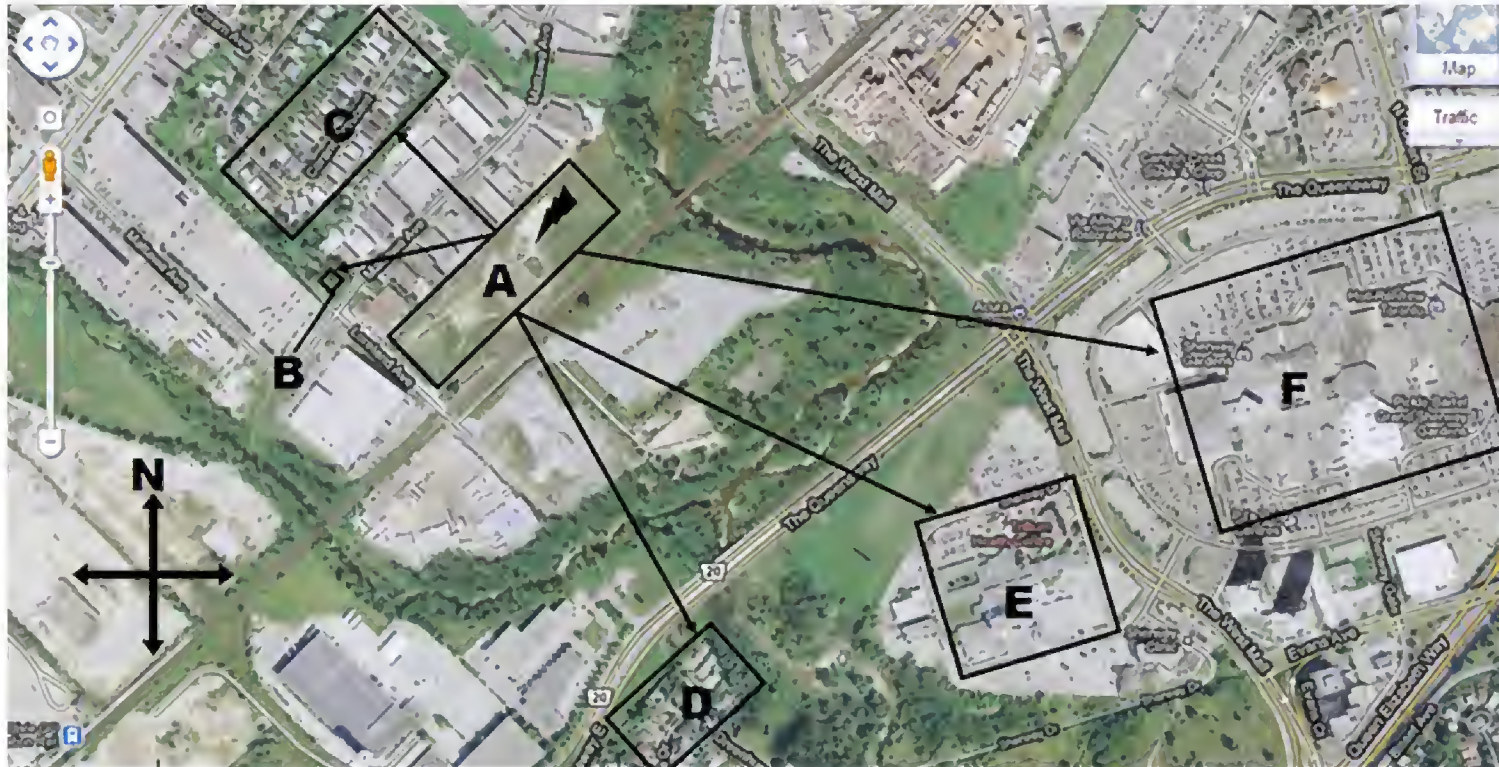
DRAFT

Appendix

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured debt financing from Credit Suisse and EIG (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Cayley, Daniel (ENERGY)

From: Wilson, Malliha (JUS)
Sent: October-18-11 6:45 PM
To: Perun, Halyna N. (ENERGY); Slater, Craig (JUS)
Cc: Lung, Ken (JUS); Calwell, Carolyn (ENERGY)
Subject: Re: Proposed cab deck

What is time line on this Halyna

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Slater, Craig (JUS)
Cc: Wilson, Malliha (JUS); Lung, Ken (JUS); Calwell, Carolyn (ENERGY)
Sent: Tue Oct 18 18:27:23 2011
Subject: Proposed cab deck

Privileged and confidential

For your review and input.

Deputy Lindsay has requested a "final" deck by mid day tomorrow.

We'd be happy to meet to discuss if this would help.

Thank you

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Fisher, Petra (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-18-11 8:32 PM
To: Lindsay, David (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Re: Mississauga plant

Thanks Deputy, will do

Joseph

Sent using BlackBerry Wireless

----- Original Message -----

From: Lindsay, David (ENERGY)
To: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Sent: Tue Oct 18 20:31:08 2011
Subject: Mississauga plant

Hi Rula and Joseph,

As you know, during the election campaign the Liberals committed to enter into discussions with the Mississauga gas plant folks to discuss another site for this project.

If we get any media calls over the next few days we should be cautious and keep very close connected.

Until after the swearing-in ceremony the Ministers office should only be involved on a limited basis. Until after the new Cabinet is sworn in and we get clarity from Cabinet on direction let's not make any assumptions. Keep me posted if any enquiries before we engage the MO.

Thanks

David

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-18-11 8:32 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: Fw: Mississauga plant

Hi Sylvie - fyi, pls see below from the DM Thank you Joseph

Sent using BlackBerry Wireless

----- Original Message -----

From: Lindsay, David (ENERGY)
To: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Sent: Tue Oct 18 20:31:08 2011
Subject: Mississauga plant

Hi Rula and Joseph,

As you know, during the election campaign the Liberals committed to enter into discussions with the Mississauga gas plant folks to discuss another site for this project.

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Until after the swearing-in ceremony the Ministers office should only be involved on a limited basis. Until after the new Cabinet is sworn in and we get clarity from Cabinet on direction let's not make any assumptions. Keep me posted if any enquiries before we engage the MO.

Thanks

David

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-18-11 11:43 PM
To: Sharkawi, Rula (ENERGY)
Subject: Re: IMPORTANTw: Mississauga Plant Fw: Toronto Star asking about need for Mississauga power plant

No response has been provided. OPA drafting for our review. Will fill you in in the morning.

Sent from my BlackBerry Wireless Handheld

From: Sharkawi, Rula (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Tue Oct 18 21:04:20 2011
Subject: IMPORTANTw: Mississauga Plant Fw: Toronto Star asking about need for Mississauga power plant

See below.

From: Sharkawi, Rula (ENERGY)
To: Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Sent: Tue Oct 18 21:02:27 2011
Subject: Mississauga Plant Fw: Toronto Star asking about need for Mississauga power plant

Deputy - Looks like John Spears put a call into the OPA today. Scroll to the bottom to see line of questioning of what seems to be a fishing expedition on the rationale for the plant in first place and why a change in direction.

We did follow the protocol in place which was to notify CO and MO. We are in the process of confirming that no responses were provided to Spears yet.

We will send you draft responses as soon as we have them. We may chose to simply say we are reviewing the matter at this time and not go beyond that.

Rula

From: Kovesfalvi, Sylvia (ENERGY)
To: Robart, Lisa (CAB)
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); @CAB-Issues; King, Ryan (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Sent: Tue Oct 18 15:25:21 2011
Subject: RE: Toronto Star asking about need for Mississauga power plant

We've asked OPA to draft responses for our review (emphasizing that plant hasn't been cancelled, it will be relocated)

From: Robart, Lisa (CAB)
Sent: October 18, 2011 3:17 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); @CAB-Issues
Subject: RE: Toronto Star asking about need for Mississauga power plant

Thanks, Sylvia. Will let P.O. know.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 18, 2011 3:07 PM
To: @CAB-Issues
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Toronto Star asking about need for Mississauga power plant
Importance: High

FYI. (I've forwarded to our MO and will follow-up with our suggested response).

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 18, 2011 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Sylvia,

We just received the following email from John Spears. As noted, he's looking for some planning analysis with respect to the need for Greenfield South.

TB

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears
Toronto Star
416-869-4353

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Cayley, Daniel (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: October-19-11 9:55 AM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Reddy, Neetha (ENERGY)
Subject: Fw: Greenfield South Communications

Importance: High

Sylvia - Please call my cell re the below. 416 579 7986

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY)
Sent: Wed Oct 19 08:58:29 2011
Subject: Greenfield South Communications

Hi Rula. Colin spoke to David Lindsay last night about tightening up communications on this issue. Colin told me that you are on the one, and only, point of contact for all communications on Greenfield. I will communicate this to my staff this morning. Can you please do same? Shortly, I will be sending you the draft response that OPA to respond to John Spears question from yesterday for your review and comment.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Fisher, Petra (ENERGY)

From: Devan, Jane (ENERGY)
Sent: October-19-11 10:04 AM
To: Teixeira, Wanda (ENERGY)
Subject: FW: Emailing: Greenfield South Construction Oct 20 2011 LSB 3 cleanv2.ppt
Attachments: Greenfield South Construction Oct 20 2011 LSB 3 cleanv2.ppt

Duplicate attachment removed

Forwarded to you as requested.

Jane Devan
Administrative Assistant
Assistant Deputy Minister's Office
Energy Supply, Transmission and Distribution
Policy Division
Ministry of Energy
880 Bay Street, 3rd Floor
Toronto, ON M7A 2C1
Tel: 416-314-6223
Fax: 416-314-6224
Jane.Devan2@ontario.ca

-----Original Message-----

From: King, Ryan (ENERGY)
Sent: October 19, 2011 9:00 AM
To: Devan, Jane (ENERGY)
Subject: Emailing: Greenfield South Construction Oct 20 2011 LSB 3 cleanv2.ppt

Jane can you please print 2 colour copies of this deck?
Thanks

Cayley, Daniel (ENERGY)

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
Sent: October-19-11 10:11 AM
To: Sharkawi, Rula (ENERGY)
Cc: Kovesfalvi, Sylvia (ENERGY)
Subject: Re: Greenfield South Communications

Great. Just waiting for feedback from Colin.

From: Sharkawi, Rula (ENERGY) [mailto:Rula.Sharkawi@ontario.ca]
Sent: Wednesday, October 19, 2011 10:08 AM
To: Kristin Jenkins
Cc: Kovesfalvi, Sylvia (ENERGY) <Sylvia.Kovesfalvi@ontario.ca>
Subject: Re: Greenfield South Communications

Thanks Kristen. Will await your responses. Please note that Sylvia Kovesfalvi is also on this file today as I am offsite all day. I'm comfortable with her coordinating with our DMO on this. I can also be reached on my cell at 416 579 7986, if you need to chat.

Rula

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY)
Sent: Wed Oct 19 08:58:29 2011
Subject: Greenfield South Communications

Hi Rula. Colin spoke to David Lindsay last night about tightening up communications on this issue. Colin told me that you are on the one, and only, point of contact for all communications on Greenfield. I will communicate this to my staff this morning. Can you please do same? Shortly, I will be sending you the draft response that OPA to respond to John Spears question from yesterday for your review and comment.

Kristin

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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Calwell, Carolyn (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October 19, 2011 11:11 AM
To: Jennings, Rick (MEI); King, Ryan (ENERGY); Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: Greenfield

Just off the phone with CLOC after getting advice from the DAG – am now significantly re-working the deck to make it more high level. Will send revisions shortly.

Carolyn

Carolyn Calwell
Deputy Director
Ministry of Energy & Ministry of Infrastructure
Legal Services Branch
Ministry of the Attorney General
777 Bay Street, Suite 425
Toronto ON M5G 2E5
416.212.5409

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-19-11 11:55 AM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Deck
Attachments: Greenfield South Construction Oct 20 2011.LSB.4.ppt

Revised as discussed.

Carolyn

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Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Local Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition

Issues

- Construction continues at the Greenfield South site.
- The project has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work **appears to be** in compliance with the contract and current approvals.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. The OPA **has advised that it has** no right under the contract to terminate **in the current circumstances**.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification of **next steps**.
- The identification of potential alternative site options has not yet been completed.
- **Some** local politicians have stated that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- The OPA has made some preliminary analysis of costs and foregone revenue. **Further analysis of these costs is required and their allocation between the tax base and the rate base is required.**
- The OPA has also identified several sites that would require government **and OPA** review before being shared with Eastern Power. Each of these alternative sites have various issues associated with them.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.

Immediate Legal Issues

- **Discussion with Eastern Power may not be successful and could require** the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be **found to be** contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

- **The Ministry of Energy to work with the Ontario Power Authority to enter into discussions with Eastern Power toward a satisfactory resolution of the Mississauga site.**
- **The Ministry of Energy to work with the Ontario Power Authority, the Ministry of Finance and the Ministry of the Attorney General to develop strategies to reach an agreement with Eastern Power.**
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power.
- The Ministry of Energy to work with Premier's Office/Cabinet Office on a stakeholder management and communications strategy.

Appendix 1

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured debt financing from Credit Suisse and ElG (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Appendix 2

Greenfield South Background

Options Considered by the OPA

- **Unilateral termination of contract**
- **Legislation**
- **Negotiation**
- **Pay the plant not to run**

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-19-11 12:00 PM
To: Slater, Craig (JUS); Scarfone, Janet (JUS); Feltman, Scott (JUS); Intrator, Daphne (JUS)
Cc: Perun, Halyna N. (ENERGY)
Subject: Next draft
Attachments: Duplicate attachment removed

Please see next draft attached. I had the opportunity to walk through the changes that we talked about with DM Lindsay, ADM Rick Jennings and Halyna. This draft reflects their input as well, with changes bolded for ease of reference (deletions are not highlighted).

I can walk you through ENE's comments if that is helpful. I'm wrapping up a call now and can be available in about 20 minutes.

Carolyn

This communication may be solicitor/client privileged and contain confidential information only intended for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Cayley, Daniel (ENERGY)

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
Sent: October-19-11 12:25 PM
To: Silva, Joseph (ENERGY)
Subject: Fw: Campaign Commitment on Greenfield

Hi Joseph. Please see below.

----- Original Message -----

From: Kristin Jenkins
Sent: Wednesday, October 19, 2011 12:19 PM
To: 'Jesse.Kulendran@ontario.ca' <Jesse.Kulendran@ontario.ca>
Subject: Campaign Commitment on Greenfield

Hi Jesse. Colin asked me to check with you to see if you, ie the ministry, have access yet to Cabinet Office's official tracking of campaign promises and if yes, is it possible for us to have the documentation on the promise to relocate the Greenfield plant? Thanks.

Kristin

This e-mail message and any files transmitted with it are intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient(s), any dissemination, distribution or copying of this e-mail message or any files transmitted with it is strictly prohibited.

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-19-11 12:27 PM
To: Patricia Phillips; Sharkawi, Rula (ENERGY)
Subject: RE: Proposed response to Toronto Star
Attachments: image002.gif

Thanks Patricia. We will get back to you asap.

From: Patricia Phillips [mailto:Patricia.Phillips@powerauthority.on.ca]
Sent: October 19, 2011 12:25 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: Proposed response to Toronto Star

Hi Rula & Sylvia – Below is our draft response to John Spears' inquiries. Please get back to me as soon as you can. Thanks, Pat

Hi John – The Ministry of Energy issued an RFP for the Greenfield South plant in 2004 to address local supply and reliability issues. The 2007 IPSP has info on these issues http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505_mm.pdf (please see page 12). The government has committed to relocating the plant. We understand that next steps will be communicated shortly and we will have more to say then. In the meantime, please contact the Ministry of Energy if you have further questions.

Patricia Phillips . Director, Stakeholder Relations(A)
Ontario Power Authority . 416-969-6326
patricia.phillips@powerauthority.on.ca



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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-19-11 12:39 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: Deck

Waiting for Ryan

-----Original Message-----

From: Perun, Halyna N. (ENERGY)
Sent: October 19, 2011 12:28 PM
To: Calwell, Carolyn (ENERGY)
Subject: Re: Deck

Your version does not include the pros and cons from opa deck in appendix 2 under other options considered - they need to be inserted (please ask ryan king about that) and then send to CLOC with note that Cab Off is asking for deck and is looking for confirmation that dag is ok w it - hope this is clear now! Am now on my way back Thank you

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

----- Original Message -----

From: Calwell, Carolyn (ENERGY)
To: Perun, Halyna N. (ENERGY)
Sent: Wed Oct 19 12:24:42 2011
Subject: RE: Deck

No word from DAG - what are you asking me to do?

-----Original Message-----

From: Perun, Halyna N. (ENERGY)
Sent: October 19, 2011 12:24 PM
To: Calwell, Carolyn (ENERGY)
Subject: Deck

Joseph advises that CO is asking for dexk but wants to know if dag is ok w it - he'll need to see the version that includes pros and cons cut and pasted from opa deck (in appendix) which rick says ryan is working on - thanks

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

Fisher, Petra (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-19-11 12:49 PM
To: Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Cc: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); Jennings, Rick (ENERGY); Cayley, Daniel (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Deck
Attachments: Greenfield South Construction Oct 20 2011 LSB ESTDP (v5).ppt

Hi Joseph,
Updated deck attached.

From: Jennings, Rick (ENERGY)
Sent: October 19, 2011 12:29 PM
To: King, Ryan (ENERGY)
Cc: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: FW: Deck

Ryan this is the latest edited version from Legal. An addition to the Appendix per the Deputy's request is to add the other options proposed by the OPA. The list is in the deck now but please insert the description and pros and cons for each of the 3 other options from the OPA deck. I have left a copy on your desk.

Send to Joseph when this has been done. Thanks.

From: Calwell, Carolyn (ENERGY)
Sent: October 19, 2011 11:55 AM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Deck

Revised as discussed.

Carolyn

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Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Local Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition

Issues

- Construction continues at the Greenfield South site.
- The project has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work **appears to be** in compliance with the contract and current approvals.
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- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification of **next steps**.
- The identification of potential alternative site options has not yet been completed.
- **Some** local politicians have stated that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
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Immediate Legal Issues

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- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be **found to be** contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

- **The Ministry of Energy to work with the Ontario Power Authority to enter into discussions with Eastern Power toward a satisfactory resolution of the Mississauga site.**
- **The Ministry of Energy to work with the Ontario Power Authority, the Ministry of Finance and the Ministry of the Attorney General to develop strategies to reach an agreement with Eastern Power.**
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power.
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Appendix 1

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
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*Plant construction as of 28 September 2011



Appendix 2

Greenfield South Background

Options Considered by the OPA

- **Unilateral termination of contract**
 - **Pros**
 - Greenfield South will be required to being to mitigate its damages which means they should stop construction (or at the very least, the OPA will not likely be liable for those additional costs that could have been avoided after date of termination of contract)
 - **Cons**
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counter-parties

Other Options Considered by the OPA Con'd

- **Legislation**

- **Pros**

- Allows Government to control level of compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)

- **Cons**

- Will be controversial
 - Potential impact on investment climate

Other Options Considered by the OPA Con'd

- **Pay the plant not to run**
 - **Pros**
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
 - **Cons**
 - Will be difficult to convince community that plant will not operate

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-19-11 12:52 PM
To: Calwell, Carolyn (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: Deck
Attachments: Greenfield South Construction Oct 20 2011 LSB ESTDP (v6).ppt

Importance: High

Revised...

From: King, Ryan (ENERGY)
Sent: October 19, 2011 12:51 PM
To: Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Cc: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); Jennings, Rick (ENERGY); Cayley, Daniel (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Deck

This version replaces 'considered' with 'proposed' if it's not too late

From: King, Ryan (ENERGY)
Sent: October 19, 2011 12:49 PM
To: Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Cc: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY); Jennings, Rick (ENERGY); Cayley, Daniel (ENERGY); Perun, Halyna N. (ENERGY)
Subject: RE: Deck

Hi Joseph,
Updated deck attached.

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Cc: McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
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Send to Joseph when this has been done. Thanks.

From: Calwell, Carolyn (ENERGY)
Sent: October 19, 2011 11:55 AM
To: Lindsay, David (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Subject: Deck

Revised as discussed.

Carolyn

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Greenfield South Generating Station

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- Construction continues at the Greenfield South site.
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Next Steps Involve the OPA

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Cabinet Minute

Cabinet agreed that:

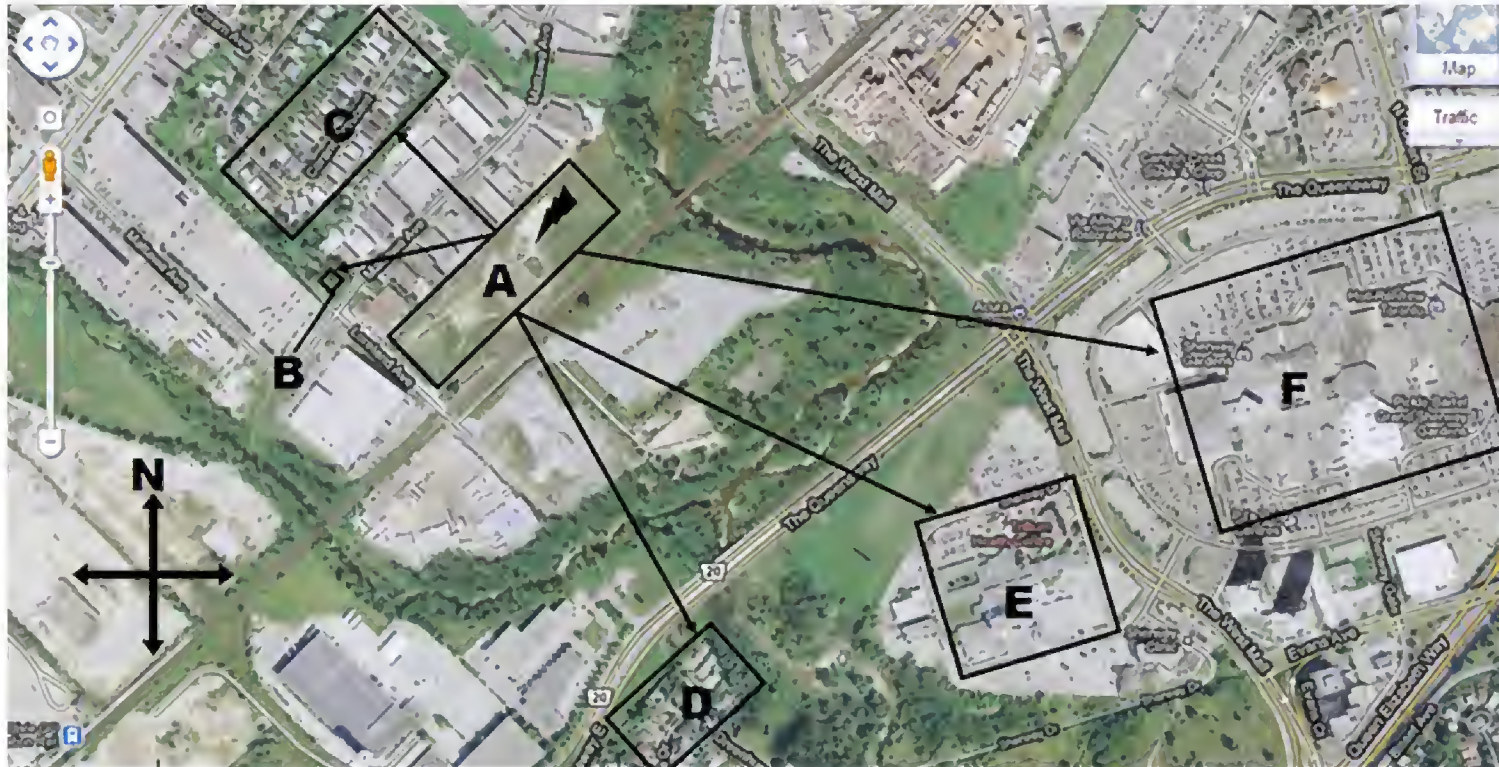
- **The Ministry of Energy to work with the Ontario Power Authority to enter into discussions with Eastern Power toward a satisfactory resolution of the Mississauga site.**
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*Plant construction as of 28 September 2011



Appendix 2

Greenfield South Background

Other Options Proposed by the OPA

- **Unilateral termination of contract**
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Other Options Proposed by the OPA Con'd

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- **Pros**

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-19-11 1:01 PM
To: Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY); King, Ryan (ENERGY)
Subject: RE: Deck
Attachments: Greenfield South Construction Oct 20 2011 (v7).ppt

This is most current from our end.

Joseph, for ease of reference, I've added "Advice to Cabinet" in the footer, reworded first bullet on slide 2 and title on slide 11 (which was wrong).

Carolyn

-----Original Message-----

From: Silva, Joseph (ENERGY)
Sent: October 19, 2011 12:56 PM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Lindsay, David (ENERGY)
Subject: FW: Deck

Fyi

-----Original Message-----

From: Brown, Meredith (JUS)
Sent: October 19, 2011 12:56 PM
To: Hume, Steen (CAB); Bromm, William (CAB); Silva, Joseph (ENERGY)
Subject: Deck

Hang on! We are just working on the deck and will have it over to energy in minutes. It is complex.

Sent using my BlackBerry device.

Greenfield South Generating Station

Next Steps

Date: October 20, 2011

Local Context

- Local residents strongly oppose the Greenfield South gas plant in Mississauga, which is currently under construction.
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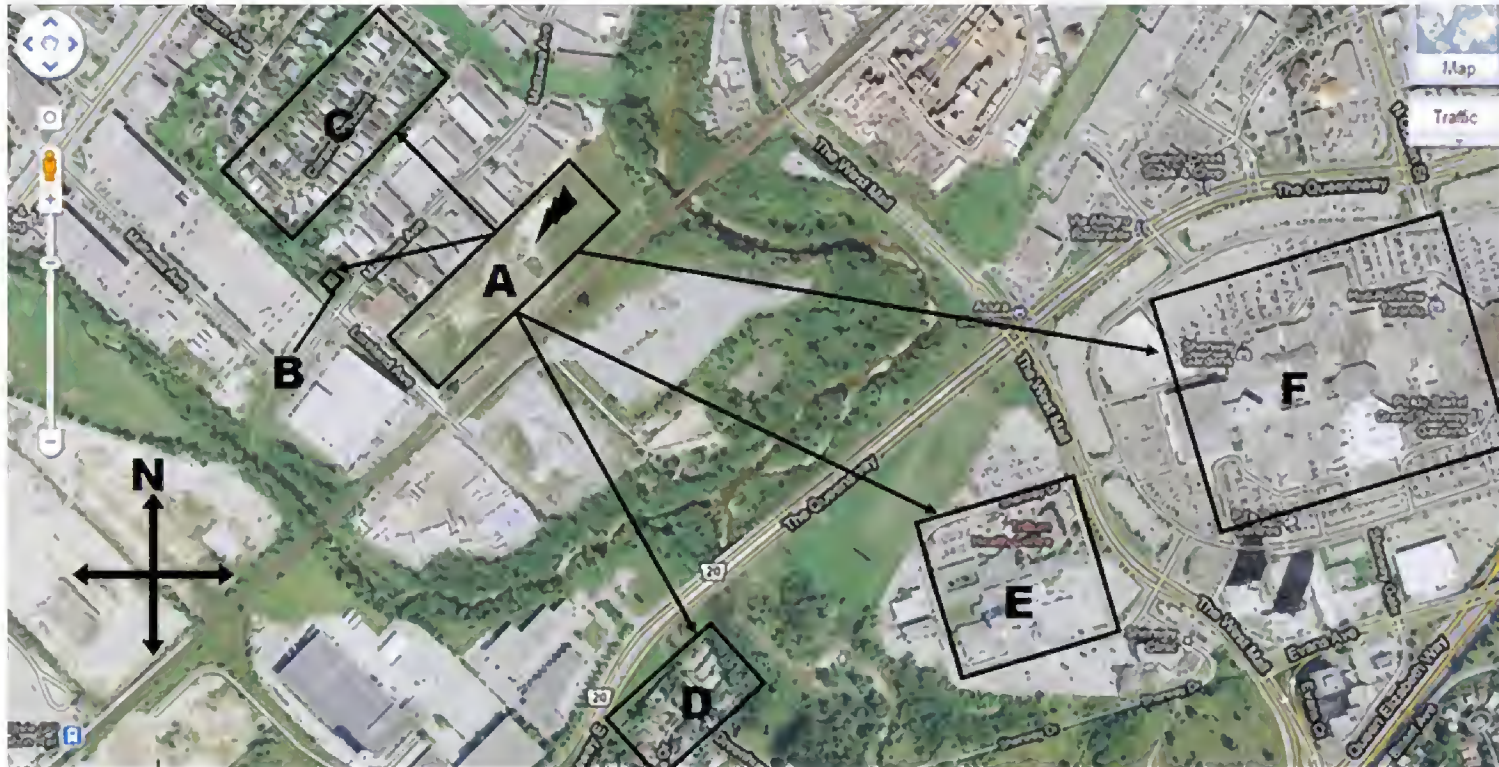
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Cayley, Daniel (ENERGY)

From: Petersen, Shannon (ENERGY)
Sent: October-19-11 2:03 PM
To: Perun, Halyna N. (ENERGY)
Subject: FW: Greemfield South Options OPG
Attachments: doc20111019141522.pdf

As requested

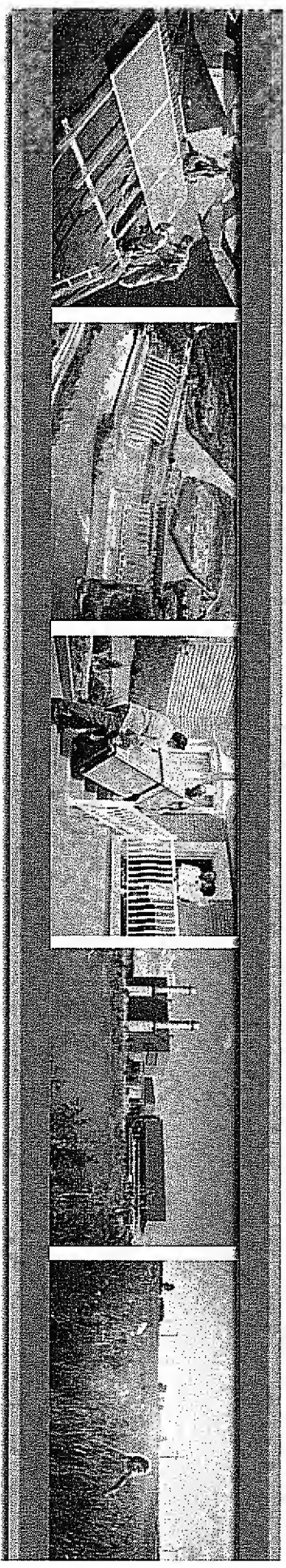
Shannon Petersen
Legal Assistant
Ministry of Energy and
Ministry of Infrastructure
Legal Services Branch
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
416-325-1840
shannon.petersen@ontario.ca

-----Original Message-----

From: dontoreply@4office.com [mailto:dontoreply@4office.com]
Sent: Wednesday, October 19, 2011 2:16 PM
To: Petersen, Shannon (ENERGY)
Subject:

KM-5050
[00:c0:ee:1e:f4:49]

*updated version
Oct 20/11 1:50 pm*



Greenfield South Options

October 20, 2011

Privileged and Confidential – Prepared in Contemplation of Litigation

Background

- RFP initiated and proponent selected by Ministry of Energy
- OPA directed by Minister of Energy to enter into contract
- Greenfield South Power Corporation (“Greenfield”) and the OPA entered into a contract on 12 April 2005
- Government is not a party to the contract
- Greenfield is controlled by Eastern Power Corporation

Contract Amendment

- Contract was amended on 16 March 2009
- Reason for amendment was long delays project suffered in securing necessary approvals to construct the project and to do away with the oil-fired option for fuelling the plant
- OPA and Province also motivated in part to keep project alive by low cost to ratepayers of project established in the competitive RFP process in 2004/2005
- In May 2011 Greenfield achieved financial close, securing debt financing from Credit Suisse and EIG for \$550 million

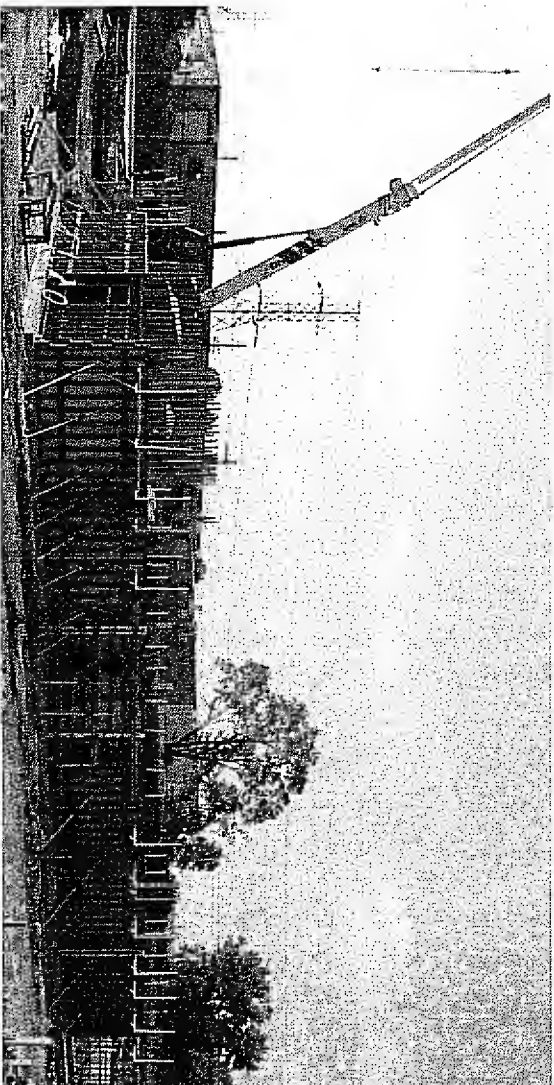
Contract Facility

- The Contract Facility is an approximately 300 MW combined cycle gas-fired generation station
- Major components of facility include a GE 7FA gas turbine (“GT”) a heat recovery steam generator (“HRSG”) and a steam turbine
- Construction began in June 2011 and is approximately x% complete now
- The Milestone Date for Commercial Operation is September 1, 2014

Contract Facility

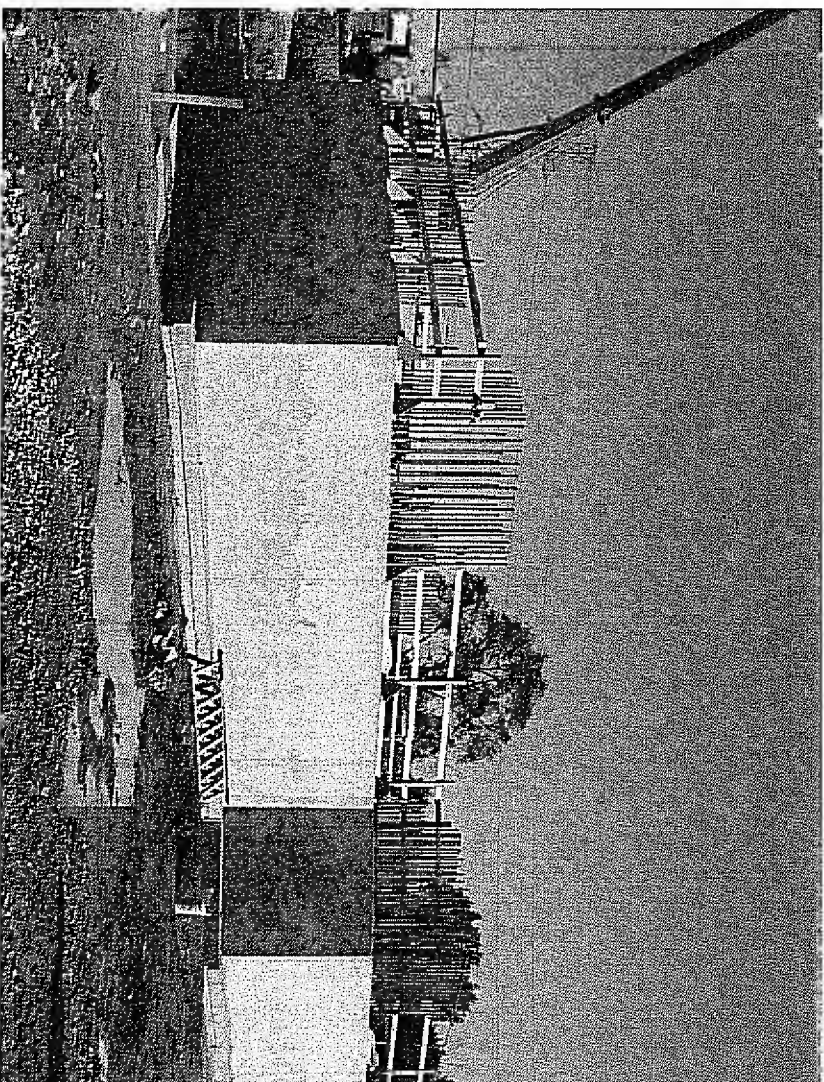
- The total dollar value of capital expenditures (“CAPEX”) for the facility are between \$250 - \$350 million
- Gas and electrical interconnection work has not yet commenced
- Total estimated sunk and committed costs are on the neighbourhood of \$x million
- We estimate the profits from the contract, excluding any residual value, are approximately \$x million

Contract Facility



Steam Turbine Pedestal Mat Being Formed

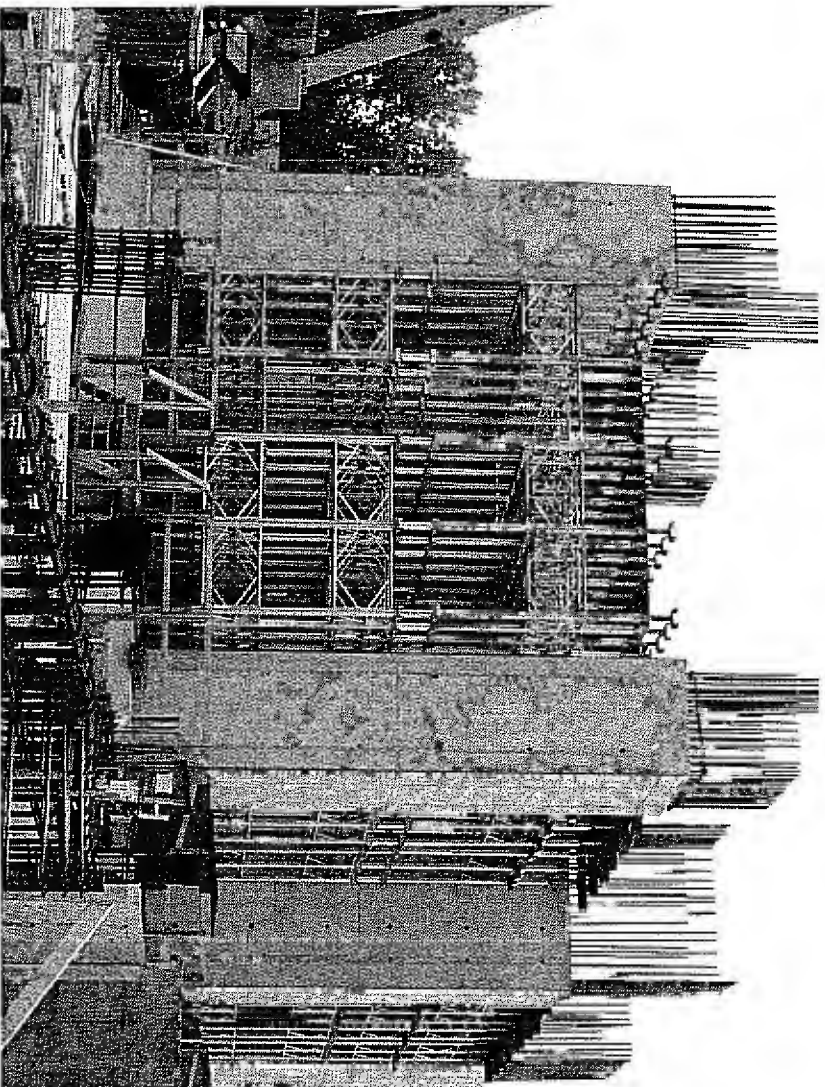
Contract Facility



Steam Turbine Pedestal Mat Forms Stripped

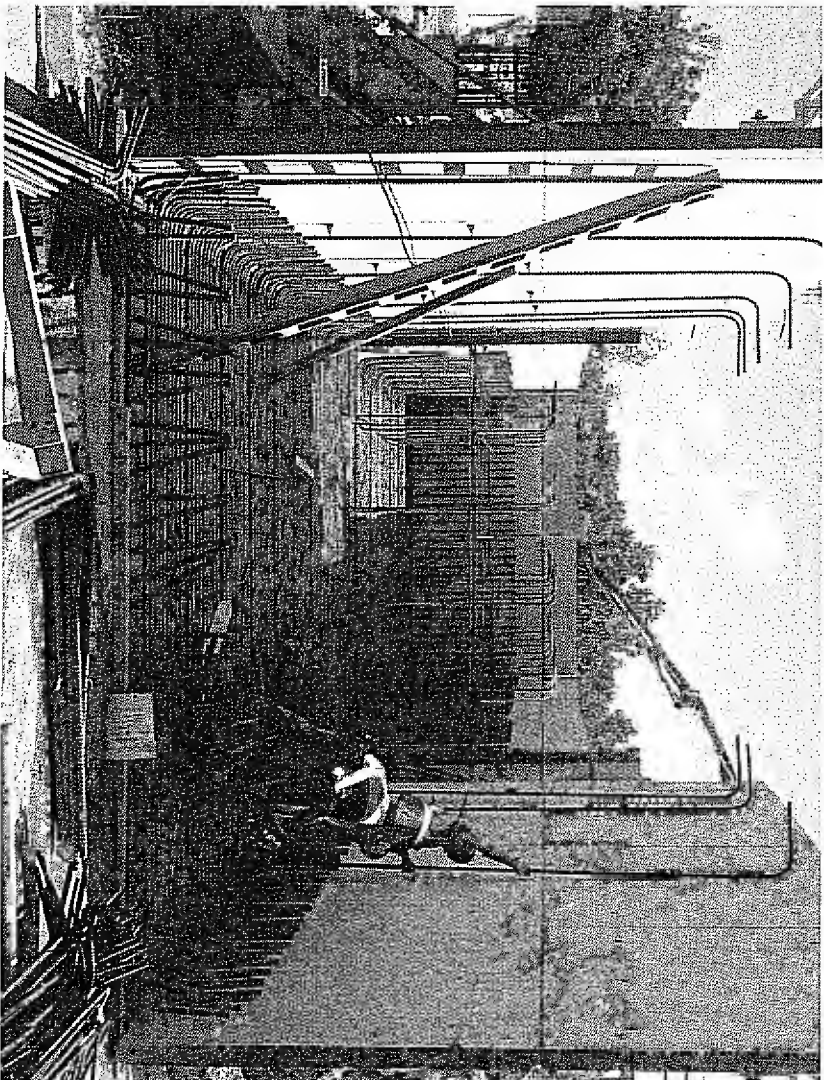
Privileged and Confidential – Prepared in Contemplation of Litigation

Contract Facility



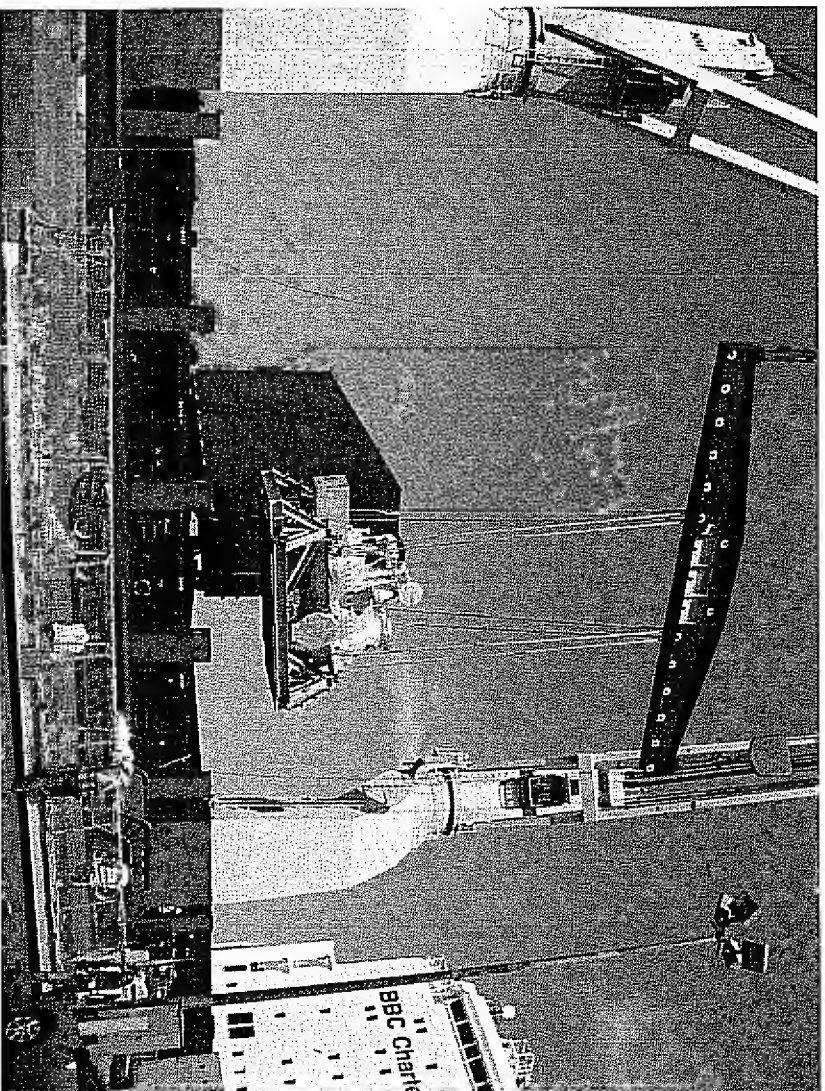
Steam Turbine Table Top

Contract Facility



Gas Turbine Pedestal Reinforcing Steel

Contract Facility



Unloading Steam Turbine

Moving Greenfield South does not result in immediate unreliability, but accelerates the need for Tx solutions

- Planning studies indicate that transmission reinforcement in west GTA could be required 2 years earlier, as early as 2018, if Greenfield South is not located within west GTA
- These need dates are based on assumptions associated with the LTEP and current reliability criteria, which are likely to evolve
- The transmission reinforcements are extensive in scope and require the immediate initiation of planning and development work with local utilities, the IESO and transmitters

Siting Options - There are several alternative site options

Some deliver more system value than others with different levels of complexity

- Considerations:
 - System value of Location, Gas Availability, Community Support, Transmission, Counterparty
- There may be a system need starting in 2016 to 2018
- Regional needs include:
 - Northwest System
 - Cambridge
 - GTA
- Some sites have gas available in varying quantities
- Examples of potential sites :
 - OPG (Lennox, Nanticoke (some gas there now), Thunder Bay (pipeline required))
 - NUGs (TCPL compressor sites, Trans Alta Pearson Airport, Whitby, Fort Frances(was on gas now on BIO))
 - Portlands, Goreway

(continued next slide)

Siting Options - There are several alternative site options (continued)

- Siting discussions complicated by ongoing discussion with Trans Canada re a new site for a gas project
- Some arrangements could be more straight forward or more complicated depending on the counterparty, the willingness of the host community, the Government's statements re siting of gas plants in GTA and urban areas and any issues related to First Nations concerns

Key Contractual Provisions

- Grounds for termination of contract limited to certain types of breach and extended force majeure (none of which applicable here)
- Contract excludes liability for certain types of damages including loss of profits
- Contract provides right to damages including lost profits for discriminatory action (legislation or regulation passed) where impact focused on contract counter-party
- Damages for discriminatory action determined through arbitration process
- All other disputes only go to arbitration if both parties agree

Payment Under Contract

- Once plant in commercial operation, generator is paid monthly capacity payment to cover its costs and profit
- Monthly payment reduced by amount generator is deemed to earn in the market selling electricity
- This reduction is calculated using formula to determine when it is economic for generator to be generating electricity
- OPA may also direct the plant operator to dispatch or not dispatch its facility at specified dates and times

Option 1- Contract Termination

- Unilateral termination of contract – OPA informs contract counter-party that it will not perform its obligations under the contract
 - Pros:
 - » Greenfield South will be required to begin to mitigate its damages which means they should stop construction (or at the very least, the OPA will not likely be liable for those additional costs that could have been avoided after date of termination of contract)
 - Cons:
 - » Does not provide opportunity to explore options for relocating project
 - » Sends negative message to other OPA counter-parties
- Precedent: Oakville Gas Plant

Option 2 - Legislation

- Legislation passed to terminate the contract, set compensation or provide a process and methodology for determining compensation
 - Pros:
 - » Allows Government to control level of compensation to be paid
 - » Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading) and take away right under contract re discriminatory action
 - Cons:
 - » Will be controversial
 - » Potential impact on investment climate
 - » Requires time to put in place
- Precedent: *Adams Mine Lake Act, 2004*

Option 3 - Negotiation

- OPA attempts to commence negotiations with Greenfield South re stopping construction and new location for facility
 - Pros:
 - » OPA has opportunity to assess position of Greenfield South and what they are seeking to agree to stop construction
 - » OPA can begin discussion of alternative sites
 - Cons:
 - » Greenfield South may refuse to commence discussions
 - » Greenfield South likely to continue construction while discussions ongoing unless incentive provided to them to stop
 - » May need to revert at some stage to other options

Option 4 - Pay Plant Not to Run

- Allow plant to be constructed but ensure it does not operate using directed dispatch mechanism in contract
 - Pros:
 - » May be cheapest option given low cost outcome of original RFP and alternative of paying for sunk costs, remediation of the site and potentially some lost profits
 - Cons:
 - » Will be difficult to convince community that plant will not operate
 - » Will be seen as having paid “money for nothing”
- Precedent: No Ontario precedent but has happened in Quebec with Bécancour facility

Recommendation

- OPA to commence negotiations with Greenfield South (Option 3)
- If negotiations do not succeed in stopping construction of plant, will likely need to revert to one of the other options

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-19-11 2:29 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: BN
Attachments: Greenfield South BN LSB Oct 19-11.doc

Back to you for further work.

Carolyn

From: Perun, Halyna N. (ENERGY)
Sent: October 19, 2011 10:22 AM
To: Calwell, Carolyn (ENERGY)
Subject: BN

This is not even a beginning – my apologies for sending to you in this form – can you please continue working on this? If you think it's useful to engage James – please go ahead. I still think we need to work on this note to set out the legal advice.

DM Lindsay has called a meeting now at 11:00 so I'll see what next steps are from his point of view then

Thanks Carolyn

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

Notice

This communication may be solicitor/client privileged and contain confidential information intended only for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Confidential and Solicitor-Client Privileged

Ministry of the Attorney General

Briefing Note

Legal Services Division

Legal Services Branch – ENE/MOI

ISSUE:

- Greenfield South Gas Generating Plant in Mississauga.

SUMMARY OF PROPOSAL:

Discussion about location of the Greenfield South Generating Station under construction in the City of Mississauga.

MAG POSITION:

-

STATUS:

- Item to proceed to Cabinet for discussion on Thursday October 20, 2011.

BACKGROUND

- Greenfield South Power Corporation (controlled by Eastern Power Corporation, referred to as “Greenfield”) is developing the Greenfield South Generating Station, a 280 MW combined cycle natural gas plant under construction in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue.
- The project arose out of a Ministry of Energy Clean Energy Supply (CES) procurement process in 2004. This contract was eventually assumed by the Ontario Power Authority (OPA).
- The project was undertaken to meet local reliability needs for the Southwest and Western GTA and has been positioned as part of the coal closure strategy.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- The project is strongly opposed by local residents. On October 12, 2011, the Mississauga Council passed a motion requesting that the government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.

- In 2007, the Ontario Municipal Board reviewed and approved of the zoning of the project site after a lengthy and protracted process.
- In 2008, MOE granted all necessary environmental approvals.
- In March 2011, OPA renegotiated the initial Commercial Operation Date (C.O.D.) with Greenfield, in recognition of lengthy regulatory approvals and financing delays experienced by Greenfield. The new Milestone Date for Commercial Operation, when the plant is required to be fully operational, is September 1, 2014.
- In May 2011, Greenfield finalized its financing arrangements with Credit Suisse and EIG. Around that time, the City of Mississauga issued building permits for the construction at the site.
- In June 2011, MOE announced that it will conduct an updated review of the approval for the gas plant to assess recent developments. No end-date was set for this process.
- In July 2011, Greenfield reported that it had laid foundations for the steam and gas turbine halls and placed orders for the major equipment (generators, turbines, etc.).
- Construction continues at the site. Greenfield has informed the OPA that it will not “down tools” until it receives formal notification of next steps.
- Next steps would require the OPA to be asked to approach Greenfield to initiate discussions.
 - The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern’s interest with respect to relocating to an alternative site.

FINANCIAL IMPLICATIONS:

There are no financial implications for MAG.

DISCUSSION:

- Discussion with Greenfield may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Greenfield to launch a law suit against either or both of the OPA and the Government.
 - Such a discussion will signal repudiation of the contract, which gives Greenfield the right to sue the OPA.

- The Minister's request of the OPA may be found to be contractual interference and may attract liability to the Province.
 - Greenfield could claim that the Crown induced the OPA's breach of contract where Greenfield can show: 1) that the Crown knew about the contract; 2) the Crown's action was intended to cause the OPA to breach the contract; 3) the Crown's action caused the OPA to breach the contract; and 4) Greenfield suffered damages as a result.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Greenfield. The Minister's authority to direct the OPA in this way is unclear.
 - The Electricity Act, 1998 gives the Minister of Energy the authority to issue directions and directives to the OPA, which the OPA must follow.
 - Minister may issue, and the OPA shall follow in preparing its integrated power system plans, directives that have been approved by the Lieutenant Governor in Council that set out the goals to be achieved during the period to be covered by an integrated power system plan, including goals relating to,
 - (a) the production of electricity from particular combinations of energy sources and generation technologies;
 - (b) Increases in generation capacity from alternative energy sources, renewable energy sources or other energy sources;
 - (c) the phasing-out of coal-fired generation facilities; and
 - (d) the development and implementation of conservation measures, programs and targets on a system-wide basis or in particular service areas.
 - The Minister may direct the OPA to undertake any request for proposal, any other form of procurement solicitation or any other initiative or activity that relates to,
 - (a) the procurement of electricity supply or capacity derived from renewable energy sources;
 - (b) reductions in electricity demand; or
 - (c) measures related to conservation or the management of electricity demand.
 - The OPA shall enter into any contract following a procurement solicitation or other initiative referred to in clause (4) (a) if directed to do so by the Minister of Energy, and that contract shall be deemed to be a procurement contract that was entered into in accordance with any integrated power system plan and procurement process approved by the Board.

- None of these authorities unambiguously allows the Minister to direct the OPA to terminate a contract.
- Greenfield's financiers may have a trade-related (NAFTA) claim if this project does not proceed.
 - An investor could allege treatment less favourable than that accorded to investments of other investors or could allege arbitrary and unfair application of government (including OPA) measures.

ALTERNATIVES CONSIDERED (Developed in conjunction with OPA)

Option 1 – Legislation

- The contract could be cancelled by legislation that would include provisions such as:
 - A provision expressly terminating the agreement;
 - A provision immunizing the Crown and the OPA from any and all lawsuits arising from the cancellation of the agreement
 - If desired, a provision addressing the types of compensation that will be provided and a mechanism (such as arbitration) for determining compensation, or alternatively stipulating that no compensation at all will be provided.
 - As the courts interpret these types of provisions very restrictively, the legislation would have to be drafted very carefully and be very clear and explicit.
 - Pros
 - Allows Government to control level of compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)
 - Cons
 - Will be controversial and requires time to enact
 - Developer could bring law suit in the interim, though legislation could ultimately preclude liability and damages and address other issues under the contract, such as the discriminatory action clause
 - Potential impact on investment climate

Option 2 – Regulatory

- Existing regulatory approvals could be revoked or other regulatory steps could be taken to terminate the project
 - Pros
 - Greenfield is subject to Certificate of Approval under the Environmental Protection Act. Technically, approvals can be amended or revoked if legally justified.

- Cons
 - Any revocation or other regulatory actions would be subject to appeal or judicial review. MOE would be required to demonstrate an environmental justification for the action in order to successfully defend the challenge. No apparent environmental basis for action at this point.
 - If such a challenge was successful, Eastern may initiate a civil action in tort against the Crown.
 - Eastern may also seek a remedy against OPA under the terms of the contract under the discriminatory action clause.

Option 3 – Negotiation (recommended)

- The OPA could attempt to commence negotiations with Greenfield regarding stopping construction and developing a new location for a different facility.
 - Pros
 - OPA has the opportunity to assess position of Greenfield and its interests in stopping construction.
 - OPA can begin discussion of a new site.
 - Cons
 - Greenfield may refuse to commence discussions or seek to drag on discussions while it continues to construct the plant.
 -

Option 4 – Unilateral termination of contract

- The OPA would inform Greenfield that it will not perform its obligations under the contract
 - Pros
 - Greenfield will be required to bring to mitigate its damages which means it should stop construction and the OPA's will avoid damages for Greenfield's additional costs that could have been avoided after the date of termination of contract
 - Cons
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counterparties

Option 5 – Pay the plant not to run

- Allow plant to be constructed but ensure that it does not operate using contractual provisions related to directed dispatch.
 - Pros
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits

- Cons
 - Will be difficult to convince community that plant will not operate

Date: October 19, 2011

Prepared by: Halyna Perun, A/Director
and Carolyn Calwell Deputy Director

Legal Service Branch
Ministry of Energy/Ministry of Infrastructure
5-6681

In consultation with:

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-19-11 3:00 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Subject: FW: Greenfield South Construction Oct 20 2011 LSB 4.ppt
Attachments: Greenfield South Construction Oct 20 2011 LSB 4.ppt
Importance: High

Hi – for review please. Thanks.

From: Brown, Meredith (JUS)
Sent: October 19, 2011 3:00 PM
To: Silva, Joseph (ENERGY)
Subject: Greenfield South Construction Oct 20 2011 LSB 4.ppt

Please find attached the DAG approved slides.

Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Local Context

- The plant is located in a residential area that has seen recent growth.
- For this reason, local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- The proximity of the plant to the recently constructed residences has prompted a policy reconsideration of the location of the gas plant.

Considerations

- Construction continues at the Greenfield South site.
- Greenfield South Power Corporation (controlled by Eastern Power Corporation) has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work appears to be in compliance with the contract and current approvals.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. The OPA has advised that it has no right under the contract to terminate in the current circumstances.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification of next steps.
- The identification of potential alternative site options has not yet been completed. Each of these alternative sites have various issues associated with them.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- At this stage, the OPA has only made a preliminary analysis of costs.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.

Legal Issues

- Discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

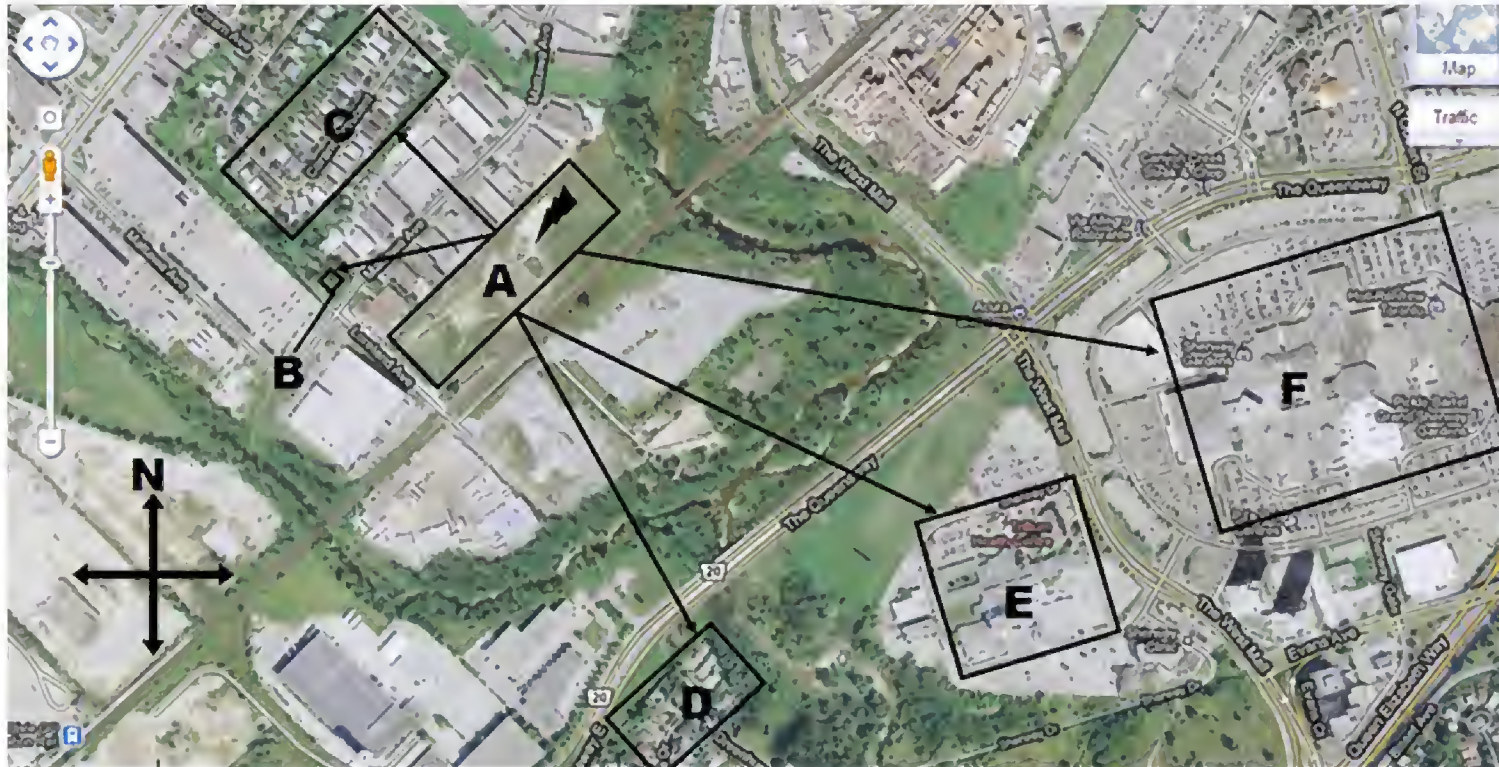
- The Ministry of Energy to work with the Ontario Power Authority to enter into discussions with Eastern Power toward a satisfactory resolution of the Mississauga site.
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power.

Appendix 1

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured debt financing from Credit Suisse and EIG (confirmed by the OPA).



Legend:

- A** – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

- A to B:** 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-19-11 3:16 PM
To: Perun, Halyna N. (ENERGY)
Subject: RE: Greenfield South Construction Oct 20 2011 LSB 4.ppt

Want to work through this together? There are issues...

From: Perun, Halyna N. (ENERGY)
Sent: October 19, 2011 3:15 PM
To: Calwell, Carolyn (ENERGY)
Subject: RE: Greenfield South Construction Oct 20 2011 LSB 4.ppt

Talked to Joseph – am reviewing now

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Silva, Joseph (ENERGY)
Sent: October 19, 2011 3:00 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Subject: FW: Greenfield South Construction Oct 20 2011 LSB 4.ppt
Importance: High

Hi – for review please. Thanks.

From: Brown, Meredith (JUS)
Sent: October 19, 2011 3:00 PM
To: Silva, Joseph (ENERGY)
Subject: Greenfield South Construction Oct 20 2011 LSB 4.ppt

Please find attached the DAG approved slides.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-19-11 3:48 PM
To: Silva, Joseph (ENERGY); Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: RE: Greenfield South Construction Oct 20 2011 LSB 4.ppt
Attachments: Greenfield South Construction Oct 20 2011 LSB 4 (estdp edit).ppt

Edit to the local context slide and considerations slide. It is incorrect to refer to this as residential. It is zoned heavy industrial.

From: Silva, Joseph (ENERGY)
Sent: October 19, 2011 3:34 PM
To: Calwell, Carolyn (ENERGY); Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Subject: RE: Greenfield South Construction Oct 20 2011 LSB 4.ppt

Thanks Carolyn.

Just discussed below with the Deputy.

He's fine with the changes, except wants Rick to weigh in on the second bullet (thinking we should remove the word "residential").

Will also flag bullet 1 (advice to cabinet)

From: Calwell, Carolyn (ENERGY)
Sent: October 19, 2011 3:27 PM
To: Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Subject: RE: Greenfield South Construction Oct 20 2011 LSB 4.ppt

Here are the differences between our last version and MAG's. Legal's concerns (if any) in brackets that follow.

- Advice to Cabinet should be added to the footer
- Local Content (slide 2) – MAG added 2 bullets about location of plant in a residential area and proximity of plant to recently constructed residences prompting a policy reconsideration (Rick/Ryan – please address)
- Considerations (slide 3) – MAG took out the reference to some local politicians having concerns (no concerns)
- Next Steps Involve the OPA (slide 4) – MAG took out reference to allocation of costs between the rate and tax bases and the reference to work required on alternate sites (no concerns)
- Cabinet Minute (slide 6) – MAG took out the reference to ENE, OPA, MAG and MOF working together on strategies and the reference to the stakeholder/comms plan (no concerns)
- OPA alternative proposals – out (no concerns)

Carolyn

From: Silva, Joseph (ENERGY)
Sent: October 19, 2011 3:00 PM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Jennings, Rick (ENERGY); King, Ryan (ENERGY)
Subject: FW: Greenfield South Construction Oct 20 2011 LSB 4.ppt
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From: Brown, Meredith (JUS)
Sent: October 19, 2011 3:00 PM
To: Silva, Joseph (ENERGY)
Subject: Greenfield South Construction Oct 20 2011 LSB 4.ppt

Please find attached the DAG approved slides.

Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Local Context

- Local residents strongly oppose the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- The recent construction of condominium towers in the general area has prompted a policy reconsideration of the location of the gas plant.

Considerations

- Construction continues at the Greenfield South site.
- Greenfield South Power Corporation (controlled by Eastern Power Corporation) has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work appears to be in compliance with the contract and current approvals.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. The OPA has advised that it has no right under the contract to terminate in the current circumstances.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it is awaiting a decision from Cabinet before it will enter into discussions with the OPA.
- The identification of potential alternative site options has not yet been completed. Each of these alternative sites have various issues associated with them.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- At this stage, the OPA has only made a preliminary analysis of costs.
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Legal Issues

- Discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
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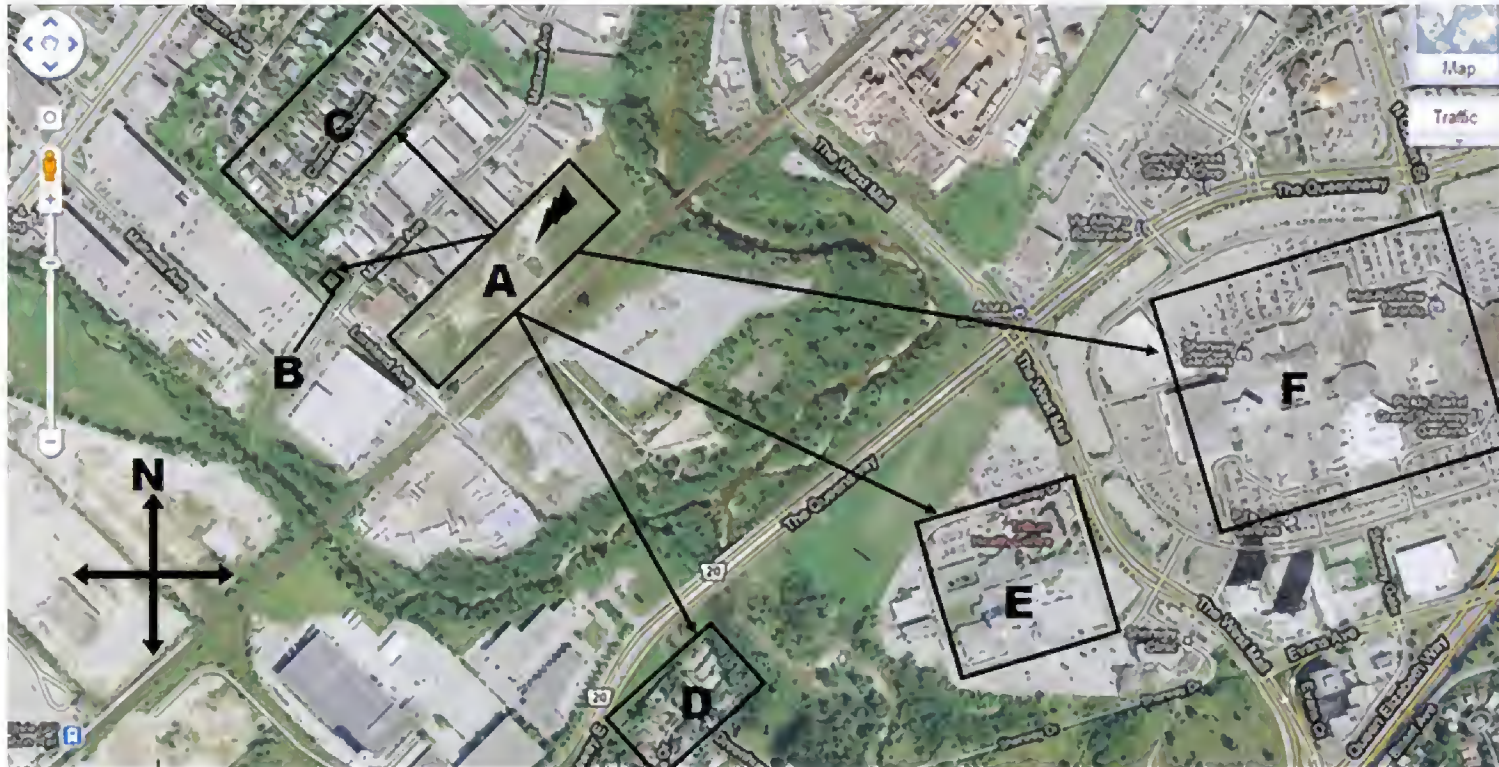
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*Plant construction as of 28 September 2011



Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-19-11 3:59 PM
To: Hume, Steen (CAB)
Cc: Brown, Meredith (JUS); Stajduhar, Greg (FIN); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck - Greenfield Construction
Attachments: Greenfield South Construction to CO Oct 19 2011 PM.ppt

Hi Steen,

Please find attached the draft deck on the construction of the Greenfield South Generation Station in Mississauga, incorporating input from MAG and MOF.

Joseph

Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Local Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
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- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- At this stage, the OPA has only made a preliminary analysis of costs.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.

Legal Issues

- Discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

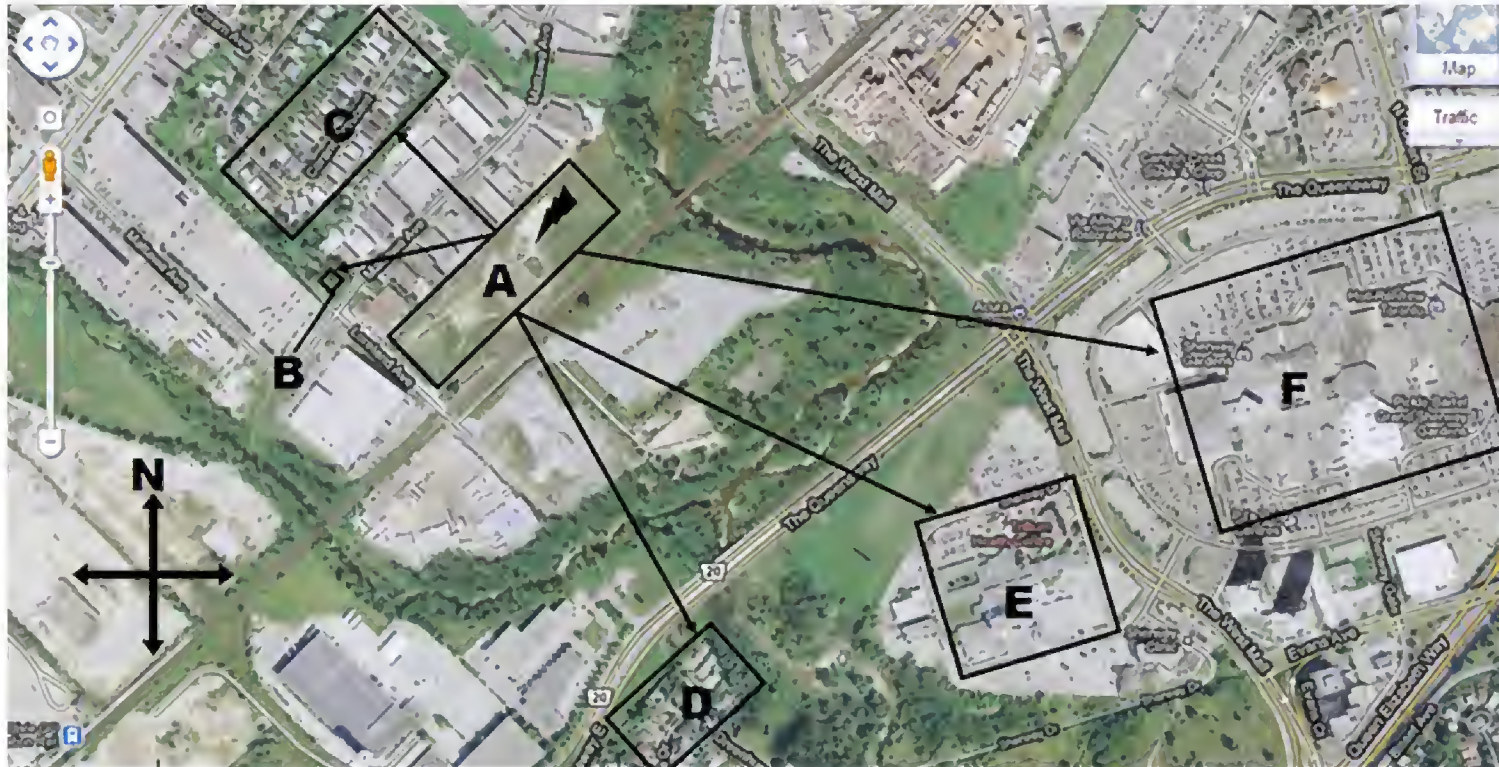
- The Ministry of Energy to work with the Ontario Power Authority to enter into discussions with Eastern Power toward a satisfactory resolution of the Mississauga site.
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power.

Appendix 1

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured debt financing from Credit Suisse and EIG (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-19-11 4:11 PM
To: Wilson, Malliha (JUS); Lung, Ken (JUS); Slater, Craig (JUS)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: Deck - Greenfield Construction
Attachments: Duplicate attachment removed

Follow Up Flag: Follow up
Flag Status: Flagged

FYI – many thanks for a very quick review and advice on this file.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Silva, Joseph (ENERGY)
Sent: October 19, 2011 3:59 PM
To: Hume, Steen (CAB)
Cc: Brown, Meredith (JUS); Stajduhar, Greg (FIN); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Jennings, Rick (ENERGY)
Subject: Deck - Greenfield Construction

Hi Steen,

Please find attached the draft deck on the construction of the Greenfield South Generation Station in Mississauga, incorporating input from MAG and MOF.

Joseph

Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy

Hearst Block 4th Flr, 900 Bay St Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-19-11 4:29 PM
To: Sumi, Craig (CAB)
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: OPA call
Attachments: image001.gif

Attachment is image below

Unrelated content removed

From: Sumi, Craig (CAB)
Sent: October 19, 2011 3:36 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: OPA call

Unrelated content removed

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 19, 2011 3:32 PM
To: Sumi, Craig (CAB)
Cc: McMichael, Rhonda (CAB); Sharkawi, Rula (ENERGY); Silva, Joseph (ENERGY)
Subject: RE: OPA call

Unrelated content removed

From : Patricia Phillips [mailto:Patricia.Phillips@powerauthority.on.ca]
Sent: October 19, 2011 12:25 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: Proposed response to Toronto Star

Hi Rula & Sylvia – Below is our draft response to John Spears' inquiries. Please get back to me as soon as you can. Thanks, Pat

Hi John – The Ministry of Energy issued an RFP for the Greenfield South plant in 2004 to address local supply and reliability issues. The 2007 IPSP has info on these issues http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505_mm.pdf (please see page 12). The government has committed to relocating the plant. We understand that next steps will be communicated shortly and we will have more to say then. In the meantime, please contact the Ministry of Energy if you have further questions.

Patricia Phillips . Director, Stakeholder Relations(A)
Ontario Power Authority . 416-969-6326
patricia.phillips@powerauthority.on.ca



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From : Sumi, Craig (CAB)
Sent: October 19, 2011 3:11 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: McMichael, Rhonda (CAB)
Subject: OPA call

Sylvia,

We talked with PO and they seem ok with the OPA approach and the "committed to relocation" message as we discussed earlier. Before final approval though, we need to see the response as well as the information/studies that will be released. Can you get those to me quickly?

Thanks

Craig

Cayley, Daniel (ENERGY)

From: Wilson, Malliha (JUS)
Sent: October-19-11 7:50 AM
To: Perun, Halyna N. (ENERGY)
Cc: Lung, Ken (JUS); Calwell, Carolyn (ENERGY); Slater, Craig (JUS)
Subject: Re: Proposed cab deck

Halyna,

Assume when u say AG - u mean mag civil service as we do not know who will be AG

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Cc: Lung, Ken (JUS); Calwell, Carolyn (ENERGY); Slater, Craig (JUS)
Sent: Wed Oct 19 07:43:15 2011
Subject: Re: Proposed cab deck

Also - as the Cab deck is expected to be quite pithy we propose to produce a briefing note setting out more details and legal analysis to support the AG at the Cab mtg on Thurs - will work with Craig's folks -

Halyna Perun
A\Director
Ph: 416 325 6681
BB: 416 671 2607

Sent using BlackBerry

From: Perun, Halyna N. (ENERGY)
To: Wilson, Malliha (JUS)
Cc: Lung, Ken (JUS); Calwell, Carolyn (ENERGY); Slater, Craig (JUS)
Sent: Tue Oct 18 18:47:10 2011
Subject: RE: Proposed cab deck

Privileged and Confidential

Deputy Lindsay said the SOC would like to see a deck by mid afternoon tomorrow (Wed). The expectation is that the deck would be the first item of business for the new Cabinet post swearing in – sometime Thursday afternoon.

Halyna

Halyna N. Perun
A\Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Wilson, Malliha (JUS)
Sent: October 18, 2011 6:45 PM
To: Perun, Halyna N. (ENERGY); Slater, Craig (JUS)
Cc: Lung, Ken (JUS); Calwell, Carolyn (ENERGY)
Subject: Re: Proposed cab deck

What is time line on this Halyna

Sent from my BlackBerry Wireless Device

From: Perun, Halyna N. (ENERGY)
To: Slater, Craig (JUS)
Cc: Wilson, Malliha (JUS); Lung, Ken (JUS); Calwell, Carolyn (ENERGY)
Sent: Tue Oct 18 18:27:23 2011
Subject: Proposed cab deck

Privileged and confidential

For your review and input.

Deputy Lindsay has requested a "final" deck by mid day tomorrow.

We'd be happy to meet to discuss if this would help.

Thank you

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-19-11 8:49 AM
To: Wilson, Malliha (JUS)
Subject: FW: Proposed cab deck
Attachments: Greenfield South Construction Oct 20 2011.LSB.3.clean.ppt

Follow Up Flag: Follow up
Flag Status: Flagged

What was sent to you yesterday – this is Energy client product – which we reviewed and added to

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Perun, Halyna N. (ENERGY)
Sent: October 18, 2011 6:27 PM
To: Slater, Craig (JUS)
Cc: Wilson, Malliha (JUS); Lung, Ken (JUS); Calwell, Carolyn (ENERGY)
Subject: Proposed cab deck

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For your review and input.

Deputy Lindsay has requested a "final" deck by mid day tomorrow.

We'd be happy to meet to discuss if this would help.

Thank you

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure

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Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Stopping Construction

- On September 24, in Mississauga, local Liberal party candidates announced that “construction on the project would be halted” and that “if elected the Government would work with Eastern to choose a new site.” The Mayor of Mississauga attended the announcement and endorsed the decision.
- On September 28, the media carried pictures of the plant with construction well underway.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition

Issues

- Construction continues at the Greenfield South site. The developer has requested formal notice before ceasing construction.
- The project has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work is in compliance with the contract and current approvals.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. Current circumstances give the OPA no right under the contract to terminate.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Construction at the site is proceeding. Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification that the contract has been cancelled.
- Alternative site options and alternative ways to supply Mississauga have not been adequately identified at this time. Alternative sites would require new provincial and municipal approvals processes to be undertaken and are likely to raise new issues.
- Local politicians have stated that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- The OPA has made some preliminary analysis of costs and foregone revenue and has identified several sites that would require government review before being shared with Eastern Power. Each of these alternative sites have various issues associated with them.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.
- The Government could agree to cover some or all of Eastern Power's price to walk away from the Mississauga plant to reduce the burden on the electricity consumer.

Immediate Legal Risks

- Eastern Power could refuse to negotiate, requiring the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

- The Minister of Energy will ask the Ontario Power Authority to immediately begin discussions with Eastern Power with a view to reaching an agreement by December 2011 on: halting all construction at the Greenfield South site; treatment of and verification of project development and construction costs incurred by Eastern Power to date; treatment and verification of equipment costs and construction and equipment contracts; treatment and measurement of expected value of the plant; and, Eastern Power's interest in and feasibility of relocating to an alternative site.
- The Ontario Power Authority be asked to report back to the Minister of Energy on the outcomes of its discussions with Eastern Power by the end of November 2011.
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power. This report back would include recommendations as to what share, if any, of the cost would be appropriately borne by the Government through the Consolidated Revenue Fund.

Cabinet Minute (Continued)

- The Ministry of Energy to work with Premier's Office/Cabinet Office on a stakeholder management and communications strategy.

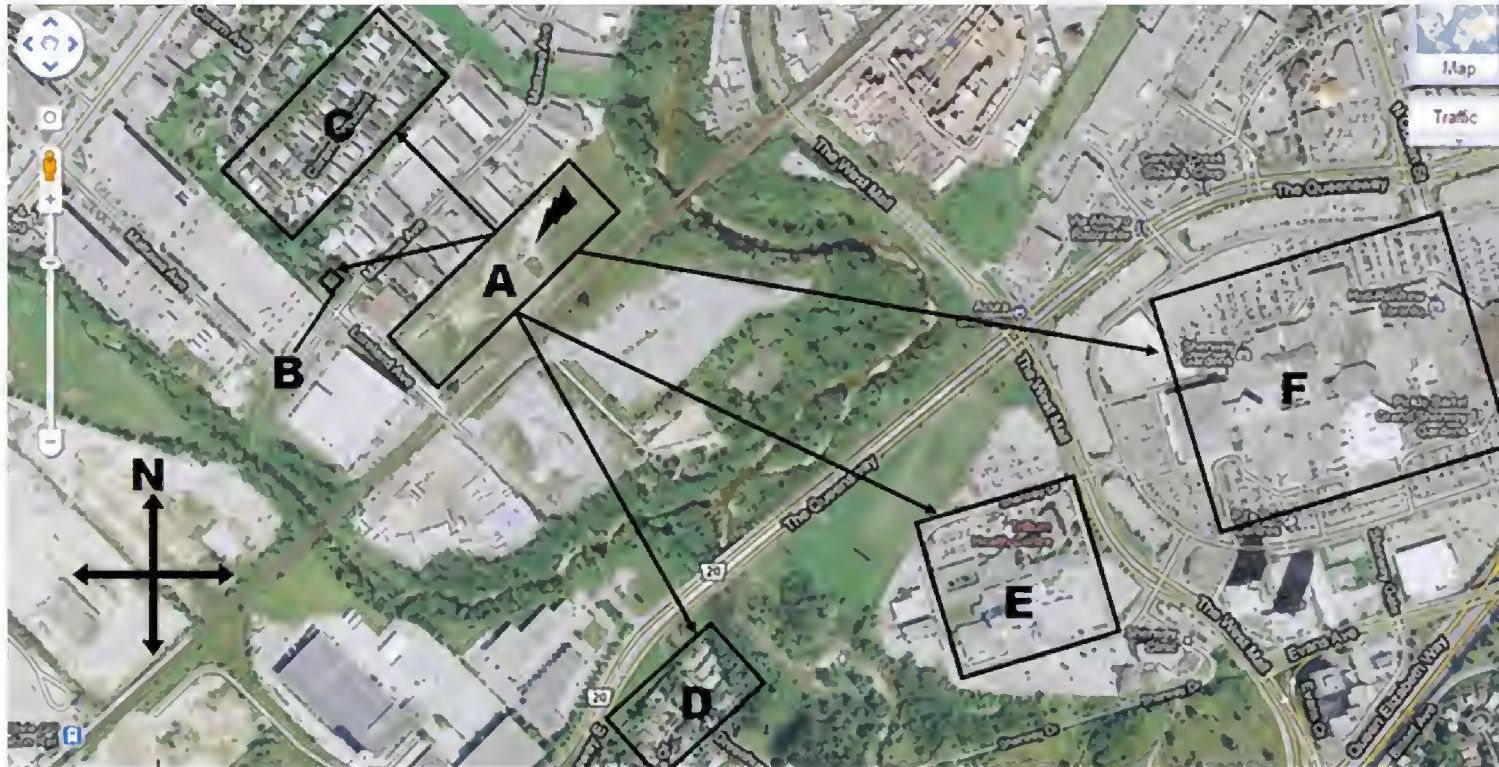
DRAFT

Appendix

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured debt financing from Credit Suisse and EIG (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

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A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-20-11 11:17 AM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft letter
Attachments: Letter to OPA.20 10 2011.doc

Confidential/Solicitor-Client Privileged

As discussed, the draft letter is attached.

Carolyn

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Draft: October 20, 2011

Mr. Colin Andersen
Chief Executive Officer
Ontario Power Authority
1600-120 Adelaide Street West
Toronto ON M5H 1T1

Dear Mr. Andersen:

Re: Greenfield South Generation Facility

Community opposition to the Greenfield South Generation Facility, currently under construction in Mississauga, is well documented. On October 12th, Council of the City of Mississauga passed a resolution asking my government to take immediate action to stop construction and return the site to pre-construction condition. In addition, condominium towers were recently constructed in the general area of the plant.

This government has heard the community's concerns about this plant proceeding as originally planned.

Accordingly, I am requesting that the Ontario Power Authority commence discussions with Greenfield South Power Corporation, as project proponent, that would lead to a satisfactory resolution of the Mississauga site.

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-20-11 12:29 PM
To: Kristin Jenkins; Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips
Subject: RE: Any word on Response to Spears?

Thanks Kristin.

Unrelated content removed

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 20, 2011 11:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips
Subject: RE: Any word on Response to Spears?

Hi Sylvia and Rula. I just spoke to Pat. To my knowledge, the OPA actually has never produced technical info on the need for Greenfield South because we did not exist when the procurement was done. Our planning work has assumed that the plant/capacity will be there. The technical work on need presumably was done by the ministry prior to issuing the RFP in 2004. So, if the desire is to provide that kind of info to Spears, perhaps the ministry should provide the response. I am stepping out, so please continue to coordinate through Pat. Thanks.

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: October 20, 2011 11:35 AM
To: Kristin Jenkins; rula.sharkawi@ontario.ca
Cc: Patricia Phillips
Subject: RE: Any word on Response to Spears?

Unrelated content removed

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 20, 2011 10:21 AM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips
Subject: Fw: Any word on Response to Spears?

Unrelated content removed

From: Tim Butters
Sent: Thursday, October 20, 2011 10:17 AM
To: Patricia Phillips; Kristin Jenkins
Cc: Mary Bernard
Subject: RE: Any word on Response to Spears?

Unrelated content removed

From: Patricia Phillips
Sent: October 19, 2011 4:02 PM
To: Kristin Jenkins
Cc: Mary Bernard; Tim Butters
Subject: RE: Any word on Response to Spears?

Unrelated content removed



From: Kristin Jenkins
Sent: October 19, 2011 4:00 PM
To: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Any word on Response to Spears?

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-20-11 1:21 PM
To: 'King, Ryan (ENERGY)'
Subject: FW: Mississauga power plant

Importance: High

Unrelated content removed

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 18, 2011 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Sylvia,

We just received the following email from John Spears. As noted, he's looking for some planning analysis with respect to the need for Greenfield South.

TB

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears
Toronto Star
416-869-4353

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-20-11 1:21 PM
To: Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft letter - further revised
Attachments: Letter to OPA.20 10 2011.2.doc

Confidential/Solicitor-Client Privileged

Please see revisions from MAG to the second paragraph, tying in the idea of "policy reconsideration".

Carolyn

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Draft: October 20, 2011

Mr. Colin Andersen
Chief Executive Officer
Ontario Power Authority
1600-120 Adelaide Street West
Toronto ON M5H 1T1

Dear Mr. Andersen:

Re: Greenfield South Generation Facility

Community opposition to the Greenfield South Generation Facility, currently under construction in Mississauga, is well documented. On October 12th, Council of the City of Mississauga passed a resolution asking the government to take immediate action to stop construction and return the site to pre-construction condition. In addition, condominium towers were recently constructed in the general area of the plant.

The government has heard the community's concerns about this plant proceeding as originally planned, prompting a policy reconsideration of its location.

Accordingly, I am requesting that the Ontario Power Authority commence discussions with Greenfield South Power Corporation, as project proponent, that would lead to a satisfactory resolution of the Mississauga site.

Cayley, Daniel (ENERGY)

From: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: October-20-11 1:30 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Kristin Jenkins
Subject: Revised response to Toronto Star
Attachments: image001.png

Below is our revised proposed response to John Spears:

Hi John -- The Ministry of Energy procured the Greenfield South plant to address local supply and reliability issues in 2004, prior to OPA being established. OPA's planning work has not included specific analysis of the need for the plant. It has assumed the plant will be there and taken the plant's capacity into account when examining future generation need. Suggest you follow-up with Ministry of Energy for the historical information.

Patricia Phillips . Director, Stakeholder Relations(A)

Ontario Power Authority . 416-969-6326

patricia.phillips@powerauthority.on.ca



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Fisher, Petra (ENERGY)

From: Nutter, George (ENERGY)
Sent: October-20-11 1:44 PM
To: Kovesfalvi, Sylvia (ENERGY); Linden, Robert (ENERGY)
Cc: Lindsay, Ken (ENERGY); Morton, Robert (ENERGY)
Subject: RE: Energy and Infrastructure Top Issue Messaging

I am happy with the messaging, with the following exception – the coloured text referencing the review of the Greenfield plant. I suggest this be removed, as this is a campaign commitment, not government policy at this point. It could possibly be replaced by "Note: During the 2011 election, the Premier indicated his government would not proceed with this plant."

George Nutter
Manager, Energy Communications
Communications Branch
Ministry of Energy
Ministry of Infrastructure

4th fl. Hearst Block
900 Bay Street
Queen's Park, Toronto
Ontario, Canada M7A 2E1

416-326-9602 office
416-326-3947 fax

george.nutter@ontario.ca

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 20, 2011 1:34 PM
To: Linden, Robert (ENERGY); Nutter, George (ENERGY)
Cc: Lindsay, Ken (ENERGY); Morton, Robert (ENERGY)
Subject: Energy and Infrastructure Top Issue Messaging

Hello –

Attached is a summary of key messages for top issues. We've prepared this as an easy reference guide for new MOs.

Can you please review and let Robert know if you have any concerns/suggested changes asap.

Unrelated content removed

Thanks very much.

Ken – I'm cc'ing you in case this document might be a helpful reference for correspondence.

From: Morton, Robert (ENERGY)
Sent: October 20, 2011 12:32 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: Energy and Infrastructure Top Issue Messaging

The revised documents are attached. The document file path provided in Erika's email does not exist. So I have filed them under the path provided by Erika in a subsequent email: H:\Corporate – NEW2011\Administration\Transition.

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-20-11 2:34 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Any word on Response to Spears?
Attachments: image001.gif

Attachment is image below

Hi Sylvia,

The coal closure commitment created the need for new generation. Should keep in mind that at the time of this RFP the deadline for coal closure was 2007 so there was a real and pressing need (this was the Premier's commitment) to bring new generation that could replace coal (ie meet the potential shortfall). That was the impetus for the RFP. I've pasted below a summary of some of the criteria to do with the actual RFP.

As this was an RFP, all of the bids and evaluations are strictly confidential.

On the technical side, among others, the most relevant requirements were that:

- the projects had to be larger than 5 MW;
- not burn Municipal Solid Waste (MSW) or coal, and they can only use oil less than 10% (for emergencies and back-up);
- could not have been in commercial operation by September 13, 2004
- has "site control" (show ownership, or option to lease/purchase the land)
- has commenced the Environmental Assessment Process (at a minimum, they had to have published the "Notice of Commencement of a Screening")
- had to have notified the relevant local municipality or planning authorities (ie. through letters)
- had to have started the connection assessments and system impact assessments with the IESO and Hydro One
- the "Proponent Team" had to have sufficient relevant experience

On the financial side, they had to demonstrate that:

- a financing plan for the project
- they have commitment or confirmation letters from all equity providers, and demonstrate that these equity providers had the ability to fulfill their commitment and finance (part of) the project (to be specific, they had to have "sufficient Tangible Net Worth", or an Investment Grade Credit Rating, or confirm their available credit, or a debt coverage ratio no greater than 7:1)
- if debt was used as a source of financing, commitment letter(s) from all lenders had to be provided (the lender could only be a major financial institution (so-called "Schedule I or II financial institution") or had to have sufficient credit rating)

The proposals that passed all of the mandatory requirements were "invited" to participate in Stage 3, where we open the bid prices.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 20, 2011 1:55 PM
To: King, Ryan (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Any word on Response to Spears?

Thank you very much Ryan ... appreciate the speedy response.

Is there any kind of study or planning document that we can refer him to that outlines the need for local generation (other than 2007 IPSP), and other potential alternatives that were considered (and what they might cost)?

From: King, Ryan (ENERGY)
Sent: October 20, 2011 1:52 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Any word on Response to Spears?

This is what we've prepared

- In 2004 and 2005 the Ministry developed and administered a Clean Energy Supply (CES) Request for Proposals that ultimately resulted in 5 successful projects totalling 1,955 MW of gas-fired generating capacity.
- The RFP sought to secure new generation to support coal replacement and support reliability.
- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was a successful applicant in the CES RFP and signed a contract with the OPA in April 2005
- All proposals had to meet rigorous financial and technical requirements, which were examined by an independent Evaluation Team, which consisted of staff from the Ministries of Finance and Energy, the IESO, Hydro One and the OEB. The proposals that met all of these criteria were then stacked according to price (the Net Revenue Requirement) and adjusted for timing, location and transmission requirements. The winners represented the least-cost options for the province.
- All projects are required to meet provincial approvals and municipal approvals including Environmental Assessment and Certificates of Approval.

Sylvia, with regard to alternatives, there have been transmission alternatives related to the SWGTA but the OPA would be able to speak more to that.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 20, 2011 12:13 PM
To: 'King, Ryan (ENERGY)'
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: FW: Any word on Response to Spears?

As discussed.

Thank you for your help.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 20, 2011 11:59 AM
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips
Subject: RE: Any word on Response to Spears?

Hi Sylvia and Rula. I just spoke to Pat. To my knowledge, the OPA actually has never produced technical info on the need for Greenfield South because we did not exist when the procurement was done. Our planning work has assumed that the plant/capacity will be there. The technical work on need presumably was done by the ministry prior to issuing the RFP in 2004. So, if the desire is to provide that kind of info to Spears, perhaps the ministry should provide the response. I am stepping out, so please continue to coordinate through Pat. Thanks.

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: October 20, 2011 11:35 AM
To: Kristin Jenkins; rula.sharkawi@ontario.ca
Cc: Patricia Phillips
Subject: RE: Any word on Response to Spears?

I'm calling Pat to discuss next steps.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 20, 2011 10:21 AM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips
Subject: Fw: Any word on Response to Spears?

Realize there is a lot going on, but can we please have an update on the status of the review of our response asap?
Thanks.

From: Tim Butters
Sent: Thursday, October 20, 2011 10:17 AM
To: Patricia Phillips; Kristin Jenkins
Cc: Mary Bernard
Subject: RE: Any word on Response to Spears?

Spears just left a message on my personal line. He would like a call back asap.

From: Patricia Phillips
Sent: October 19, 2011 4:02 PM
To: Kristin Jenkins
Cc: Mary Bernard; Tim Butters
Subject: RE: Any word on Response to Spears?

No – spoke with Sylvia at about 1:00 p.m. b/c she had a couple of questions about wording and differences from their original messaging. She was going to take through approvals in Ministry.

From: Kristin Jenkins
Sent: October 19, 2011 4:00 PM
To: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Any word on Response to Spears?

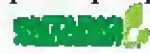
From: Patricia Phillips [mailto:Patricia.Phillips@powerauthority.on.ca]
Sent: October 19, 2011 12:25 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: Proposed response to Toronto Star

Hi Rula & Sylvia – Below is our draft response to John Spears' inquiries. Please get back to me as soon as you can. Thanks, Pat

Hi John – The Ministry of Energy issued an RFP for the Greenfield South plant in 2004 to address local supply and reliability issues. The 2007 IPSP has info on these issues http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505_mm_.pdf (please see page 12). The government has committed to relocating the plant. We

understand that next steps will be communicated shortly and we will have more to say then. In the meantime, please contact the Ministry of Energy if you have further questions.

Patricia Phillips . Director, Stakeholder Relations(A)
Ontario Power Authority . 416-969-6326
patricia.phillips@powerauthority.on.ca



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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-20-11 3:03 PM
To: Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Jennings, Rick (ENERGY)
Subject: RE: Gas Plant- Minister of Energy Draft Letter - revised
Attachments: Letter to OPA.20 10 2011.3.doc

Please find revised draft attached.

Carolyn

From: Silva, Joseph (ENERGY)
Sent: October 20, 2011 2:51 PM
To: Perun, Halyna N. (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: Gas Plant- Minister of Energy Draft Letter - revised

Thanks Halyna.

Carolyn – will you be revising your draft? Thank you.

From: Perun, Halyna N. (ENERGY)
Sent: October 20, 2011 2:25 PM
To: Silva, Joseph (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: Gas Plant- Minister of Energy Draft Letter - revised

Privileged and Confidential

Hi – The below sets out the instructions from the Deputy Attorney General which reflect apparently discussions that were had earlier today. The Minister of Energy is going to be making a public statement post swearing in and the below is in accord with that statement.

The additions heighten the risks to government, but these are the instructions. Contents of approved letter:

Community opposition to the Greenfield South Generation Facility, currently under construction in Mississauga, is well documented. On October 12th, Council of the City of Mississauga passed a resolution asking the government to take immediate action to stop construction and return the site to pre-construction condition. In addition, condominium towers were recently constructed in the general area of the plant.

The government has heard the community's concerns about this plant proceeding as originally planned, prompting our intention to relocate the plant.

Accordingly, I am requesting that the Ontario Power Authority commence discussions on a priority basis with Greenfield South Power Corporation, as project proponent, that would lead to a satisfactory resolution of the Mississauga site.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Draft: October 20, 2011

Mr. Colin Andersen
Chief Executive Officer
Ontario Power Authority
1600-120 Adelaide Street West
Toronto ON M5H 1T1

Dear Mr. Andersen:

Re: Greenfield South Generation Facility

Community opposition to the Greenfield South Generation Facility, currently under construction in Mississauga, is well documented. On October 12th, Council of the City of Mississauga passed a resolution asking the government to take immediate action to stop construction and return the site to pre-construction condition. In addition, condominium towers were recently constructed in the general area of the plant.

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Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-20-11 3:59 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Any word on Response to Spears?
Attachments: image001.gif Attachment is image below

That's fine though I may not encourage additional questions from John Spears

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 20, 2011 3:45 PM
To: 'King, Ryan (ENERGY)'
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Any word on Response to Spears?

Ok – based on our conversation, his questions and direction I've received, I'm proposing what's below. If you and Joseph are ok with this, we need to run by legal and CO.

Hi John –

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April 2005.

The need for generation in southwest GTA was outlined in the OPA's 2007 IPSP plan
http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505_mm_.pdf (see page 17).

This matter is currently under review. Next steps will be communicated as soon as possible.

Please contact the Ministry of Energy if you have additional questions.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 20, 2011 12:13 PM
To: 'King, Ryan (ENERGY)'
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: FW: Any word on Response to Spears?

As discussed.

Thank you for your help.

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Cc: Patricia Phillips
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To: Kristin Jenkins
Cc: Mary Bernard; Tim Butters
Subject: RE: Any word on Response to Spears?

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From: Kristin Jenkins
Sent: October 19, 2011 4:00 PM
To: Patricia Phillips; Mary Bernard; Tim Butters
Subject: Any word on Response to Spears?

From: Patricia Phillips [mailto:Patricia.Phillips@powerauthority.on.ca]
Sent: October 19, 2011 12:25 PM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Subject: Proposed response to Toronto Star

Hi Rula & Sylvia – Below is our draft response to John Spears' inquiries. Please get back to me as soon as you can. Thanks, Pat

Hi John – The Ministry of Energy issued an RFP for the Greenfield South plant in 2004 to address local supply and reliability issues. The 2007 IPSP has info on these issues http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505_mm_.pdf (please see page 12). The government has committed to relocating the plant. We understand that next steps will be communicated shortly and we will have more to say then. In the meantime, please contact the Ministry of Energy if you have further questions.

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-20-11 4:04 PM
To: Perun, Halyna N. (ENERGY)
Cc: Silva, Joseph (ENERGY); King, Ryan (ENERGY); Sharkawi, Rula (ENERGY)
Subject: URGENT: Media Call

Importance: High

Hi Halyna –

OPA received some questions from John Spears yesterday.

Our proposed response (which the OPA will forward via email) is below. Policy-approved.

Please let me know if you have any concerns.

Sylvia
7-4334

Hi John –

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April 2005.

The need for generation in southwest GTA was outlined in the OPA's 2007 IPSP plan
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This matter is currently under review. Next steps will be communicated as soon as possible.

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 18, 2011 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Sylvia,

We just received the following email from John Spears. As noted, he's looking for some planning analysis with respect to the need for Greenfield South.

TB

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears

Toronto Star

416-869-4353

Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-20-11 4:49 PM
To: Jennings, Rick (ENERGY)
Cc: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Subject: RE: Gas Plant- Minister of Energy Draft Letter - revised

Privileged and Confidential

Your concerns are certainly noteworthy. We can propose something different – but depends on what was discussed and further direction we receive.

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Jennings, Rick (ENERGY)
Sent: October 20, 2011 3:17 PM
To: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Gas Plant- Minister of Energy Draft Letter - revised

Halyna, Carolyn,

"Our intention to relocate the plant" is problematic on several grounds:

- 1) Immediately raises the media question: "Where will the plant be relocated to" as there are a limited number of welcoming host communities this may raise more problems than it solves.
- 2) Relocate is not the right word in any event as it implies that the plant (which has foundation poured and appears to be at least one-third built based on photos) will be moved to a new location. In fact, the plant will not, of course, be relocated, the existing development would be abandoned and perhaps later demolished and possibly the developer would be awarded a contract to build a new plant at an alternate site.
- 3) Given approval risk, the precedent for blocking plants, and a limited number of developable sites, it will be very challenging to obtain a site that is acceptable to the community, acceptable to the developer and which can be connected to the grid. Some sites which could achieve this would preclude developments of other generation projects which do have local support, e.g. Northwestern Ontario sites would likely be instead of Atikokan or Thunder Bay development; a Nanticoke project would likely preclude conversion of the existing coal plant to gas.
- 4) It is quite possible that the lowest cost solution is a cash settlement, this wording may preclude reaching it.

Better wording would be:

"our intention to have development at the site cease."

From: Perun, Halyna N. (ENERGY)
Sent: October 20, 2011 2:25 PM
To: Silva, Joseph (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY)
Subject: FW: Gas Plant- Minister of Energy Draft Letter - revised

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Halyna

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To: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Gas Plant- Minister of Energy Draft Letter - revised

Thanks very much Rick for raising these points. I discussed with the Deputy, and we'll share with Cabinet Office the DAG-approved version as our draft product for tonight. We'll surface these concerns with the Minister as we prepare for signing.

From: Jennings, Rick (ENERGY)
Sent: October 20, 2011 3:17 PM
To: Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY); Lindsay, David (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Gas Plant- Minister of Energy Draft Letter - revised

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Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-20-11 5:56 PM
To: Silva, Joseph (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: URGENT: Spears/OPA Media Call

Approved.

From: Robart, Lisa (CAB)
Sent: October 20, 2011 5:47 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Sumi, Craig (CAB); McMichael, Rhonda (CAB)
Subject: FW: URGENT: Spears/OPA Media Call

Hi Sylvia,
P.O. has approved your response. ☺

From: Teefy, Brian (OPO)
Sent: October 20, 2011 5:45 PM
To: Robart, Lisa (CAB)
Cc: Sumi, Craig (CAB); McMichael, Rhonda (CAB)
Subject: Re: URGENT: Spears/OPA Media Call

Good with this.

From: Robart, Lisa (CAB)
To: Teefy, Brian (OPO)
Cc: Sumi, Craig (CAB); McMichael, Rhonda (CAB)
Sent: Thu Oct 20 17:33:22 2011
Subject: URGENT: Spears/OPA Media Call

Hi Brian –

Here's ENERGY's approved response to Spears' questions. Please approve as soon as possible. Mr. Spears is very concerned that the OPA hasn't returned his request for information [made on Oct 18].

FYI. ENERGY says there shouldn't be any new contentious issues raised as a result of providing a link to the 2007 IPSP. This has been a public document since late August 2007.

Hi John –

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April 2005.

The need for generation in southwest GTA was outlined in the OPA's 2007 IPSP plan
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This matter is currently under review. Next steps will be communicated as soon as possible.

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 20, 2011 4:21 PM
To: @CAB-Issues; Sumi, Craig (CAB)
Cc: McMichael, Rhonda (CAB)
Subject: URGENT: Media Call
Importance: High

Hi Craig –

Here's our Ministry's approved response to Spears' questions.

As I indicated yesterday, there shouldn't be any new contentious issues raised as a result of providing a link to the 2007 IPSP.

Hi John –

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April 2005.

The need for generation in southwest GTA was outlined in the OPA's 2007 IPSP plan
http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505_mm_.pdf (see page 17).

This matter is currently under review. Next steps will be communicated as soon as possible.

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: October 18, 2011 3:01 PM
To: Kovesfalvi, Sylvia (ENERGY)
Subject: FW: Mississauga power plant
Importance: High

Sylvia,

We just received the following email from John Spears. As noted, he's looking for some planning analysis with respect to the need for Greenfield South.

TB

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears

Toronto Star

416-869-4353

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-20-11 9:20 PM
To: Sharkawi, Rula (ENERGY)
Subject: Re: Star Request

Egads! Ok.

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Sharkawi, Rula (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Sent: Thu Oct 20 21:13:08 2011
Subject: Fw: Star Request

Thanks SK. Let's debrief tomorrow.

----- Original Message -----

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kovesfalvi, Sylvia (ENERGY); Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Sent: Thu Oct 20 17:56:57 2011
Subject: Re: Star Request

Done

----- Original Message -----

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: Thursday, October 20, 2011 05:54 PM
To: Kristin Jenkins; Patricia Phillips
Cc: Silva, Joseph (ENERGY) <Joseph.Silva@ontario.ca>; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>
Subject: RE: Star Request

Hi Kristin/Patricia -

Please share the following message:

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April 2005.

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http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505__mm_.pdf(see page 17).

This matter is currently under review. Next steps will be communicated as soon as possible.

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If you have received this message in error, or are not the named recipient(s), please notify the sender immediately and delete this e-mail message.

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: October-20-11 9:53 AM
To: Silva, Joseph (ENERGY)
Subject: Re: Vapour Lock

Interesting.

From: Silva, Joseph (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Thu Oct 20 09:52:09 2011
Subject: FW: Vapour Lock

Hi Deputy – fyi.

From: Stafford, Sue (CAB)
Sent: October 20, 2011 9:45 AM
To: Dunning, Rebecca (ENERGY); Artates, Rodina (JUS)
Cc: Brown, Meredith (JUS); Silva, Joseph (ENERGY)
Subject: Vapour Lock

A meeting has just been scheduled today that will take place in Shelly's Office, Room 281, Main Legislative Building at **12:30 p.m.** Would you kindly ensure your DMs are in attendance – the subject is Vapour Lock and the other attendees will be Chris Morley, Minister Bentley and Craig McClelland.

Thanks very much,
Sue

Sue Stafford
Special Assistant to the Secretary of the Cabinet
and Head of the Ontario Public Service
Telephone: 416-325-7641 Fax: 416-314-8980
sue.stafford@ontario.ca

Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-21-11 10:44 AM
To: Jennings, Rick (ENERGY); Teixeira, Wanda (ENERGY); Silva, Joseph (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Urgent: Mississauga power plant

Importance: High

I'm going to suggest Kristin give John a call (or perhaps we can have someone from PO do so) and simply say:

John –

This matter is currently under review. We cannot provide more information at this time. Next steps will be communicated as soon as possible.

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 21, 2011 10:26 AM
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips
Subject: FW: Mississauga power plant

Heads up - see below. Will follow-up with you shortly.

Kristin

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 21, 2011 9:33 AM
To: Kristin Jenkins
Subject: RE: Mississauga power plant

Thanks, Kristin, but that's not the question I asked.

Surely some analysis was done, very recently, about the impact of NOT building the plant.

That's what I'm interested in.

Or are you telling me that the plant was cancelled with absolutely no input or analysis by the OPA?

John

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: Thursday, October 20, 2011 5:57 PM
To: Spears, John
Subject: Re: Mississauga power plant

John - please accept my apology for the delay. This should not have taken so long.

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April

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This matter is currently under review. Next steps will be communicated as soon as possible.

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: Thursday, October 20, 2011 04:33 PM
To: Kristin Jenkins
Subject: FW: Mississauga power plant

Hello Kristin,
It's now more than 48 hours since I made a simple request.
All I have received is Tim's response of yesterday saying he was seeing it for the first time Wednesday. From the time track on the e-mail, it appears he had seen it late Tuesday.
Since then, nothing. I have telephoned and received no reply.
This is a pretty straightforward request, it seems to me.
If someone wants to get back to me and explain why this will take time, I'm all ears.
But burying OPA's head in the sand hardly seems the appropriate response.
How do I get an answer?
John

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: Wednesday, October 19, 2011 10:53 AM
To: Spears, John
Subject: Fw: Mississauga power plant

Hi John,

Sorry, I didn't see this until this morning. When is your deadline?

Tim Butters

From: Tim Butters
Sent: Tuesday, October 18, 2011 04:58 PM
To: Tim Butters
Subject: FW: Mississauga power plant

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

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What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears

Toronto Star

416-869-4353

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Fisher, Petra (ENERGY)

From: Cross, Annamaria (ENERGY)
Sent: October-21-11 12:45 PM
To: Smith, Hanna (ENERGY)
Cc: Sermat-Harding, Kaili (ENERGY)
Subject: Fw: OPA Transition Briefing documents
Attachments: BDBUSINESSPLAN updated 20111020.pdf; BBGREENFIELDSouth updated 20111020.pdf; BBCONTRACTMANAGEMENT updated 20111020.pdf; OPA Transition Briefing Documents Oct. 20-11.pdf

Hanna - would you please replace?

Thanks

Sent from my BlackBerry

Unrelated attachments removed: BDBUSINESSPLAN;
BBCONTRACTMANAGEMENT and OPA Transition Briefing
Documents

From: Kulendran, Jesse (ENERGY)
To: Cross, Annamaria (ENERGY)
Cc: Silva, Joseph (ENERGY)
Sent: Fri Oct 21 12:23:54 2011
Subject: OPA Transition Briefing documents

Anna,
OPA made some updates to 3 notes (see attached individually and as one PDF).
Thanks, Jesse

GREENFIELD SOUTH GAS PLANT

ISSUE: Greenfield South

Eastern Power began construction in June after completing project financing and being granted a building permit from the City of Mississauga for the 280-MW combined cycle plant. Prior to this, there were significant delays in the project. Public opposition to the plant over environmental concerns has been rising since construction began. The Minister of the Environment announced in June that he would conduct an updated review of environmental approvals granted by the Ministry in 2008 to assess recent developments. The review is expected this fall. During the election campaign, the Liberal Party made a campaign commitment to relocate the plant if re-elected. Construction at the site is well advanced.

Recommendation

- The government should advise OPA on intended next steps for the Greenfield South plant.
- Based on the above, the OPA should provide advice to government on options that address contract management issues as well as the development of a process for siting electricity infrastructure that takes into account issues such as setbacks and community engagement.

Background

The Greenfield South plant is a 280-MW natural gas combined cycle natural gas-fired generating station. The contract was negotiated by the Ministry of Energy and signed by OPA in 2005. The contract is one of the five contracts that resulted from the 2,500 MW Clean Energy Supply RFP initiated by the Ministry of Energy in 2004 as part of the coal shut-down policy. The plant, which is about half the size of the Portlands Energy Centre near downtown Toronto, is designed to operate only when its power is needed. It is expected to operate about 10 to 45 percent of the time. At full capacity, it will be capable of producing enough power for 250,000 homes.

There has been a long delay between the awarding of the contract and plant construction, which got underway in June 2011. The delay was largely due to lengthy environmental approval and municipal permitting processes. Because of the long delay, the public's impression was that the plant would never get built. Now that construction is underway, there has been growing community opposition to the plant.

The project completed its financing at the end of May. Construction at the site is well advanced and continuing. The foundation has been poured and the company has procured its most expensive equipment, including the plant turbine. The project is on track to be fully operational by September 2014, if not earlier.

Key Considerations

- The developer is fulfilling all of its requirements.
- The Minister of Environment announced review of existing environmental approvals, but this does not delay ongoing construction.

Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-21-11 12:45 PM
To: Perun, Halyna N. (ENERGY)
Cc: King, Ryan (ENERGY); Teixeira, Wanda (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Subject: Re: Mississauga power plant

Thank you both. Will circle back with opa and co.

Sent from my BlackBerry Wireless Handheld

From: Perun, Halyna N. (ENERGY)
To: Kovesfalvi, Sylvia (ENERGY)
Cc: King, Ryan (ENERGY); Teixeira, Wanda (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Sent: Fri Oct 21 12:43:37 2011
Subject: RE: Mississauga power plant

I'd advise against using the first bullet

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 12:41 PM
To: Kovesfalvi, Sylvia (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Cc: King, Ryan (ENERGY); Teixeira, Wanda (ENERGY); Sharkawi, Rula (ENERGY)
Subject: RE: Mississauga power plant

The 2nd bullet is good. Does the OPA need to provide the 1st one?

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 21, 2011 12:16 PM
To: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)

Cc: King, Ryan (ENERGY); Teixeira, Wanda (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Fw: Mississauga power plant

This just in from opa. Pls let me know if you have any concerns.

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 12:10:05 2011
Subject: Re: Mississauga power plant

In the spring, OPA advised the ministry that:

-Greenfield plant valuable bc of location in SWGTA given local supply and reliability needs. Cancellation of OGS increased value.

-Not having plant in SWGTA would not cause immediate reliability issues but would mean transmission upgrades would have to be accelerated by 2-3 years.

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: Friday, October 21, 2011 12:00 PM
To: Kristin Jenkins; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>
Cc: Patricia Phillips
Subject: Re: Mississauga power plant

Just confirming - there's nothing that can be provided - correct?

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 10:26:18 2011
Subject: FW: Mississauga power plant

Heads up - see below. Will follow-up with you shortly.

Kristin

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 21, 2011 9:33 AM
To: Kristin Jenkins
Subject: RE: Mississauga power plant

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I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears
Toronto Star
416-869-4353

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-21-11 2:39 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft transition deck
Attachments: Greenfield South Construction Transition Oct 21 2011.ppt

Confidential/Solicitor-Client Privileged

Please find attached a draft deck. It will look familiar to you. I wasn't quite sure how to cast it, as I'm not fully up to speed on any discussion that occurred yesterday. The "Next Steps involve the OPA" slide sort of makes a leap that could be addressed through comments if the Minister hasn't already been prepared for it.

Feel free to edit at will.

Carolyn

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Greenfield South Generating Station

Date: October 20, 2011

Present Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- The recent construction of condominium towers in the general area has prompted a policy reconsideration of the location of the gas plant.

Background

- This project is a 280 MW combined cycle gas-fired generation station.
- The project was initiated by the Ministry of Energy through a request for proposals process in 2004.
- In 2005, the project was assigned to the OPA and the OPA entered into a contract with the project developer, Greenfield South Power Corporation.
 - The Province is not a party to the contract
- The project suffered delays in securing approvals for constructing the project.
- The contract was amended in March 2009 to reflect these delays.
- The project has now received all required provincial and municipal approvals, including its Environmental Assessment, Certificates of Approval and building permit.
- Construction of the project is underway and continues.
- The contract requires the project to be in commercial operation by September 1, 2014.

Considerations

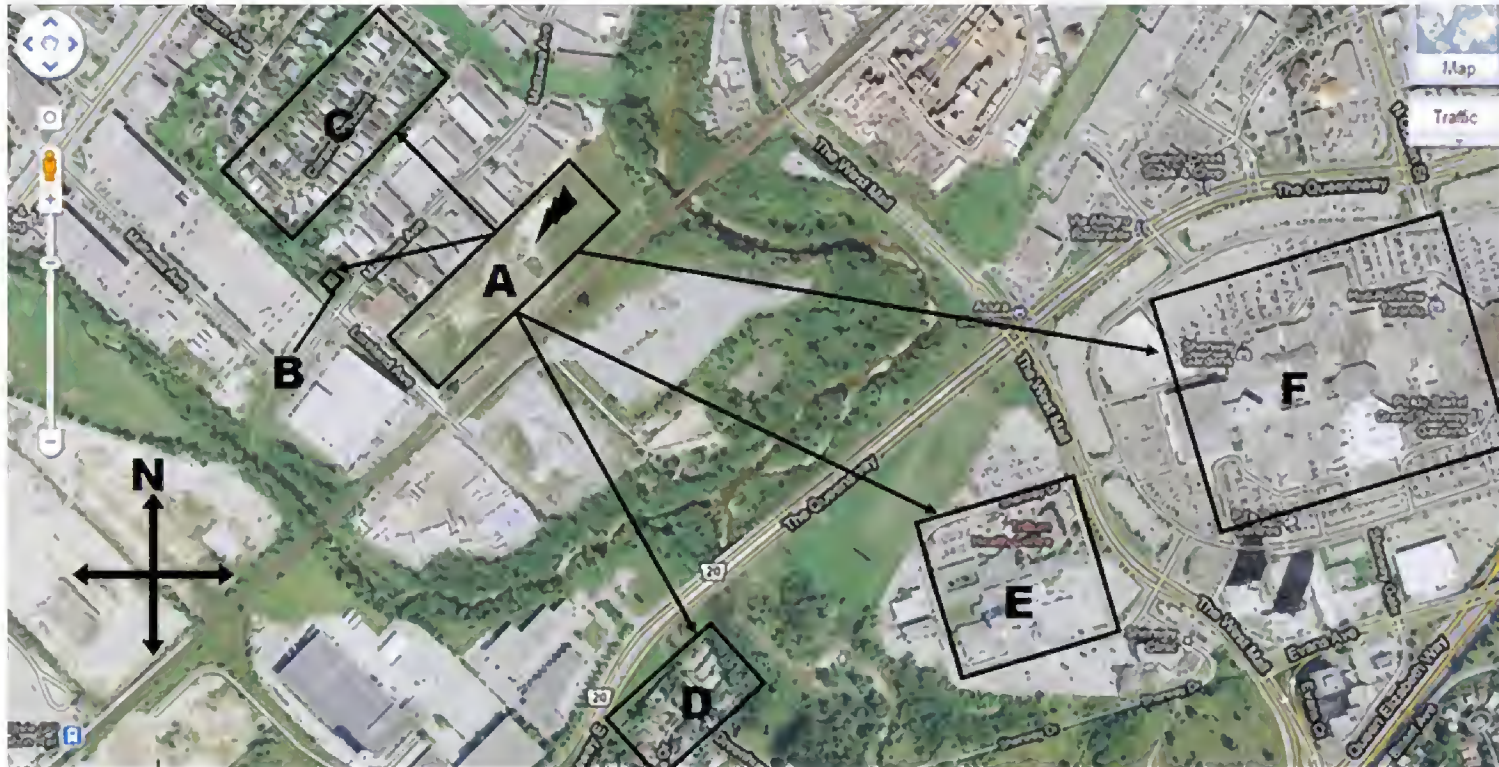
- The OPA has advised that it has no right under the contract to terminate in the current circumstances.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not ‘down tools’ until it receives formal notification of next steps.
- The identification of potential alternative site options has not yet been completed. Each of these alternative sites have various issues associated with them.

Next Steps Involve the OPA

- Discussion with Eastern Power would likely need to address potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- At this stage, the OPA has only made a preliminary analysis of costs.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.

Legal Issues

- Discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under trade law if this project does not proceed.



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Fisher, Petra (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-21-11 2:51 PM
To: Robart, Lisa (CAB)
Cc: Sumi, Craig (CAB)
Subject: Fw: Mississauga power plant

Hi lisa - earlier you asked where our response cam from. Given approved po message not sure if you still require this info. It just came in. Pls let me know. Thank you.

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 14:46:01 2011
Subject: Fw: Mississauga power plant

See below.

From: Kristin Jenkins
Sent: Friday, October 21, 2011 02:33 PM
To: Amir Shalaby; Colin Andersen
Subject: Re: Mississauga power plant

Local supply and reliability issues for Southwest GTA and the preferred option for addressing, were set out in the 2007 IPSP, and took into account the additional capacity that the Greenfield South plant would provide as it had already been contracted. The IPSP recommended another larger gas-fired facility in Southwest GTA that TransCanada subsequently was contracted to build in Oakville. When the Oakville plant was cancelled OPA advised that a transmission solution needed to be pursued as the alternative to address local supply and reliability issues. Transmission alternatives were developed - assumed Greenfield capacity - and this work was shared with ministry. In the spring, OPA was asked the impact of no Greenfield. Based on 2007 IPSP and planning on transmission alternatives for Southwest GTA, OPA advised there would not be immediate reliability issues but that the planned transmission expansion would need to be accelerated by 2 to 3 years.

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: Friday, October 21, 2011 01:35 PM
To: Kristin Jenkins; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>
Cc: Patricia Phillips
Subject: Re: Mississauga power plant

Hi Kristin - question - In the spring the OPA advised the ministry that not having plant in SWGTA would not cause immediate reliability issues but would mean transmission upgrades would have to be accelerated by 2-3 years. Where did this information come from? (I think the question behind the question is is there a report or study that can be referred to?)

Sent from my BlackBerry Wireless Handheld

From: Kovesfalvi, Sylvia (ENERGY)
To: 'Kristin.Jenkins@powerauthority.on.ca' <Kristin.Jenkins@powerauthority.on.ca>; Sharkawi, Rula (ENERGY)
Cc: 'Patricia.Phillips@powerauthority.on.ca' <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 12:14:37 2011
Subject: Re: Mississauga power plant

Got it ... Stay tuned.

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
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To: Kristin Jenkins; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>
Cc: Patricia Phillips
Subject: Re: Mississauga power plant

Just confirming - there's nothing that can be provided - correct?

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 10:26:18 2011
Subject: FW: Mississauga power plant

Heads up - see below. Will follow-up with you shortly.

Kristin

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 21, 2011 9:33 AM
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Subject: RE: Mississauga power plant

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Subject: Re: Mississauga power plant

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Subject: Fw: Mississauga power plant

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Subject: FW: Mississauga power plant

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Thank you.

John Spears
Toronto Star
416-869-4353

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Cayley, Daniel (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: October-21-11 2:53 PM
To: Lindsay, David (ENERGY)
Subject: Fw: URGENT - APPROVED; Spears; Mississauga power plant

Looping....

From: Kovesfalvi, Sylvia (ENERGY)
To: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Silva, Joseph (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Sent: Fri Oct 21 14:47:53 2011
Subject: URGENT - APPROVED; Spears; Mississauga power plant

Hi all - pls note P.O. approved message to spears (references relocation).

Pls let me know asap if there are concerns. would like to forward to opa in next 20 mins.

Sent from my BlackBerry Wireless Handheld

From: Robart, Lisa (CAB)
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Sumi, Craig (CAB); McMichael, Rhonda (CAB); van der Valk, Jennifer (CAB); Danyluk, Erica (CAB)
Sent: Fri Oct 21 14:38:11 2011
Subject: APPROVED; Spears; Mississauga power plant

Hi Sylvia,

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"The absence of a generating station in the southwestern GTA will not cause immediate reliability issues therefore providing an opportunity for the government to find a suitable location to relocate the plant to."

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Cc: Sumi, Craig (CAB)
Subject: URGENT: Mississauga power plant

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Sent: Fri Oct 21 12:10:05 2011
Subject: Re: Mississauga power plant

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-21-11 3:22 PM
To: Kovesfalvi, Sylvia (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Cc: Sharkawi, Rula (ENERGY); Calwell, Carolyn (ENERGY)
Subject: RE: URGENT - APPROVED; Spears; Mississauga power plant

The wording is awkward (see red "to") – but no legal concerns but Rick needs to way in -

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

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Fisher, Petra (ENERGY)

From: Sharkawi, Rula (ENERGY)
Sent: October-24-11 3:37 PM
To: Kovesfalvi, Sylvia (ENERGY); @CAB-Issues
Cc: Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Gerard, Paul (ENERGY)
Subject: Re: URGENT: Star Request RE: Greenfield

Sylvia - the MO provided comment to Benzie on this...a commitment to relocate the site. There will be no other interviews today.

R

----- Original Message -----

From: Kovesfalvi, Sylvia (ENERGY)
To: @CAB-Issues
Cc: Sharkawi, Rula (ENERGY); Kulendran, Jesse (ENERGY); Silva, Joseph (ENERGY); Gerard, Paul (ENERGY)
Sent: Mon Oct 24 15:34:48 2011
Subject: URGENT: Star Request RE: Greenfield

Hi - OPA just received this call (I was unaware of a Minister's statement going out). Please confirm that Ministry should take this call - thank you.

-----Original Message-----

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: October 24, 2011 3:28 PM
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Star Request RE: Greenfield

Tanya Talaga from the Star called. She left message saying turbines were seen being delivered to the site today. Her question is, if Eastern Power is to be given a cease-and-desist order on construction, who would it come from? As the primary contract party, would it come from the OPA or would the direction come from the government, or as a result of direction from the government to the OPA. Deadline today. Minister had this to say today on Greenfield - "The Ontario government is committed to relocating the natural gas plant originally planned for Mississauga. The government will work with the company to find a suitable location for this plant. More information will become available as discussions progress."

Given Minister's comments should we refer request to you?

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Fisher, Petra (ENERGY)

From: Tully, Keegan (ENERGY)
Sent: October-21-11 3:55 PM
To: MacCallum, Doug (ENERGY)
Subject: RE: Eastern Power

Sure, no problem

From: MacCallum, Doug (ENERGY)
Sent: October 21, 2011 3:54 PM
To: Tully, Keegan (ENERGY)
Cc: Jenkins, Allan (ENERGY)
Subject: FW: Eastern Power

Keegan: can you please start on pulling data from public sources for Rick's request.

Doug

From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 3:47 PM
To: MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Cc: McKeever, Garry (ENERGY)
Subject: Eastern Power

Can you provide as much detail as we can get on Eastern Power and the principals – Greg Vogt etc.? Can try web sites or ask the OPA. I have tried to explain the nature of the company but do not seem to be believed.

Cayley, Daniel (ENERGY)

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
Sent: October-21-11 4:40 PM
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Subject: Fw: SWGTA Presentation
Attachments: SW GTA Options Jan 10 2011 Final.pptx; 2010 09 13 Briefing to DM (SW GTA Alternatives Sept 13 2010) FINAL (jt) (2).pptx

Attached is the material referred to in my earlier email.

From: Kristin Jenkins
Sent: Friday, October 21, 2011 04:35 PM
To: Patricia Phillips
Subject: SWGTA Presentation

As discussed

Kristin Jenkins | Vice President, Corporate Communications | **Ontario Power Authority** | 120 Adelaide Street West, Suite 1600 | Toronto, ON M5H 1T1 | tel. 416.969.6007 | fax. 416.967.1947 | www.powerauthority.on.ca

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South West GTA - Transmission Options

Presentation to the Deputy Minister of Energy

Jan 10th, 2011

Purpose of Presentation

As announced by the Government of Ontario (on October 7, 2010):

“A transmission solution can ensure that the growing region will have enough electricity to meet future needs of homes, hospitals, schools and businesses.”

This presentation will provide the context and options for transmission system reinforcements required to meet pre-existing and evolving needs in the West GTA in the absence of Oakville GS.

Attached for Context: Alternatives to SW GTA Transmission, September 13, 2010

Cancellation of Oakville GS Will Result in Exceeding Transmission Limits in West GTA

- In the absence of Oakville GS, continued load growth in the GTA and changing sources of generation will increase inbound flows at 3 heavily loaded facilities in the west GTA.
- Limits of these facilities are forecast to be reached around 2018

Impacted Gateways to West and Central GTA System

1. Claireville TS 500/230 kV transformers
2. Trafalgar TS 500/230 kV transformers

Impacted Downstream Circuits Supplying Local Load to West GTA

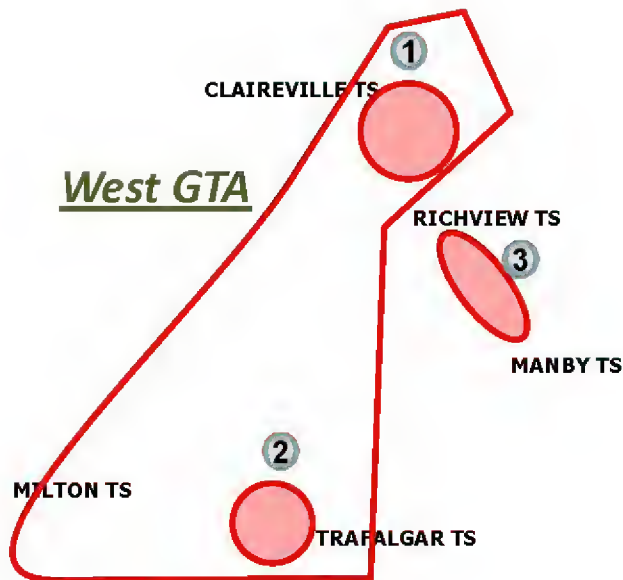
3. Richview to Manby 230 kV circuits
- Solutions will be implemented in 2 stages
 - Create a new 500/230 kV gateway within the west GTA
 - Incorporate new transmission facilities to relieve stress on Richview to Manby circuits
 - OPA is working with IESO and Hydro One to identify and analyze options, next steps are to engage with local utilities

Increasing Power Flows into the West GTA is Stressing the System

East GTA

PARKWAY TS

CHERRYWOOD TS



West GTA

Central-Downtown Toronto

	System Constraints	Drivers
West & Central GTA Gateways	① Claireville 500 / 230 kV auto-transformer overloads	West & Central GTA load growth;
	② Trafalgar 500 / 230 kV auto-transformer overloads	Evolving Southern Ontario supply mix
Local Supply	③ Richview to Manby 230 kV circuit overloads	West Toronto & SW GTA load growth

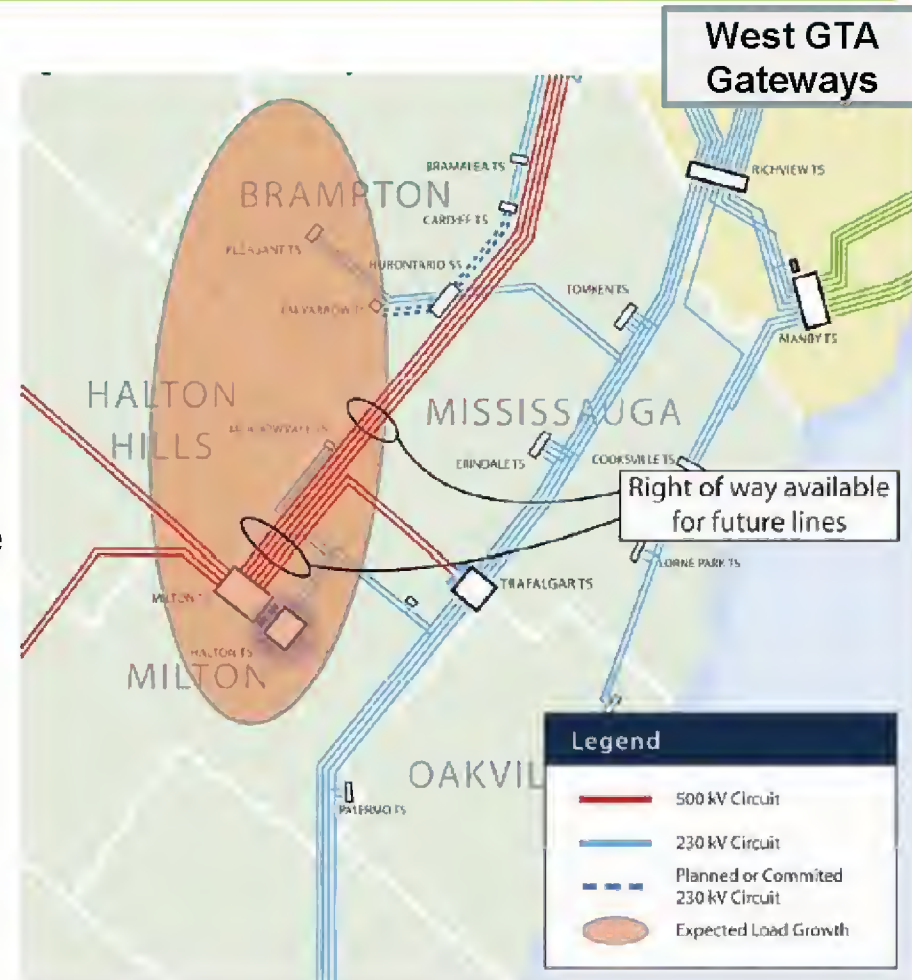
Additional Gateway at Milton TS Resolves West GTA Overloads at Existing Gateways

Evolving System Conditions

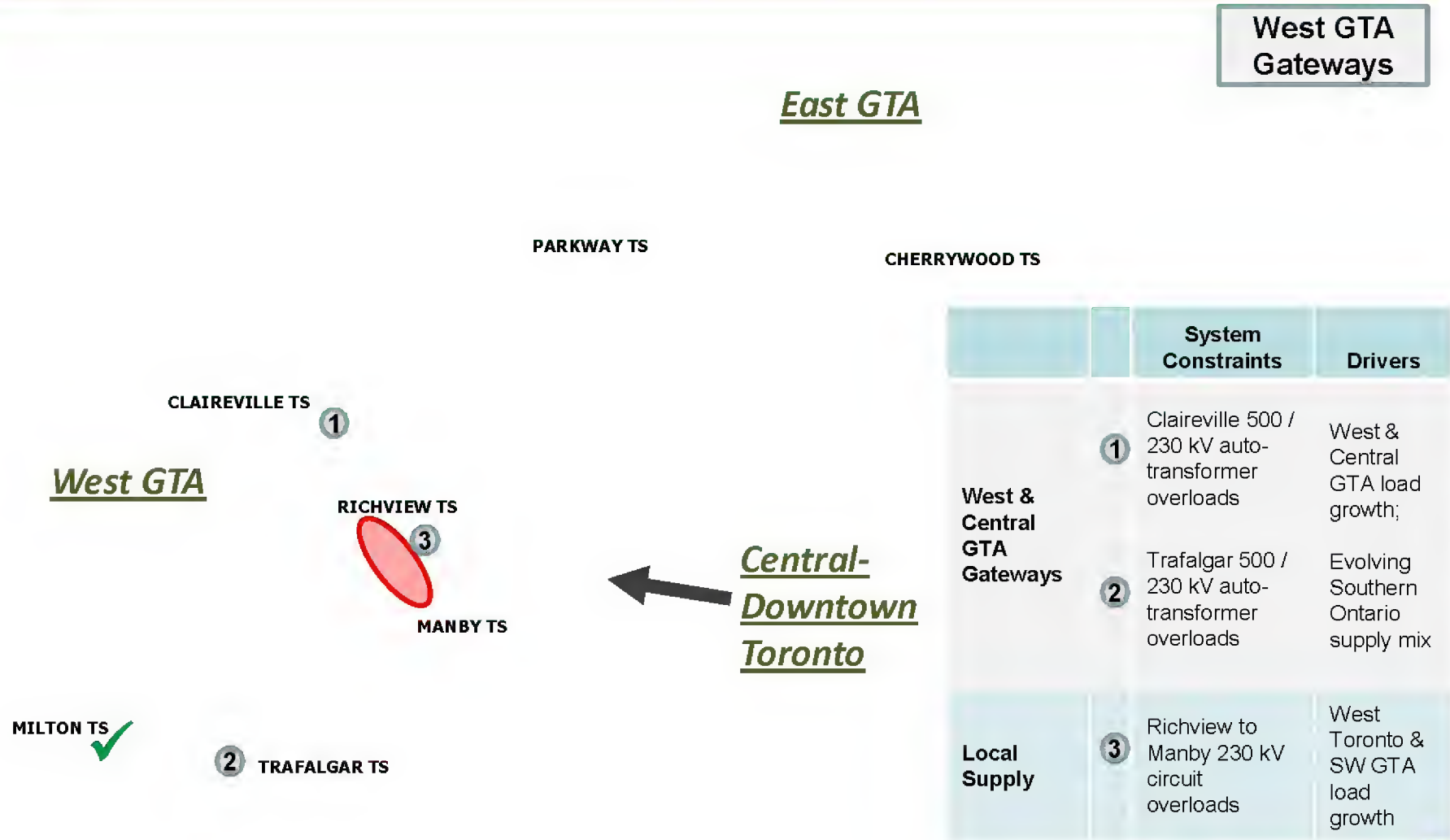
- Preliminary studies indicate that flows into the west GTA are increasing from
 - New generation mix in South-western Ontario;
 - Continued strong load growth in SW GTA
- Their combined impact will overload Milton to Claireville 500 kV lines and autotransformers at Trafalgar TS and Claireville TS around 2018

Integrated Solution

- Installation of 500/230 kV autotransformers at Milton and new regional lines needed to supply local area load directly from Milton TS, mitigating overloads



Milton TS Relieves Overloaded Gateways in West GTA, Local Transmission still to be Resolved



Transmission Alternatives to Resolve Richview to Manby Overload

Local Supply

1. Richview x Manby - Replace Line
 - Replace existing idle 115kV 2-circuit line with a 2-circuit 230kV line along an existing multi-circuit right of way
2. Richview x Cooksville - Additional Circuit
 - Add a second 230kV circuit on double circuit towers, which currently has only one circuit installed
3. Trafalgar x Oakville - New Line
 - Build a new 2-circuit 230kV line along a reserved multi-purpose right-of-way

Transmission Alternatives to Resolve Richview to Manby Overload



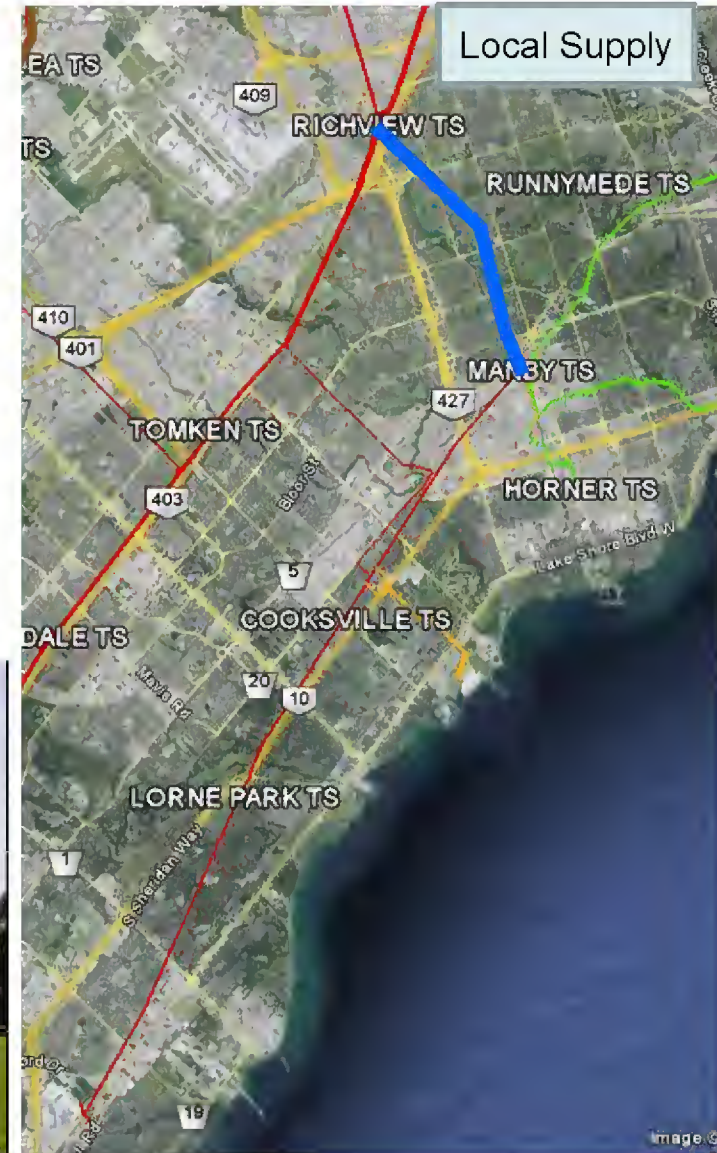
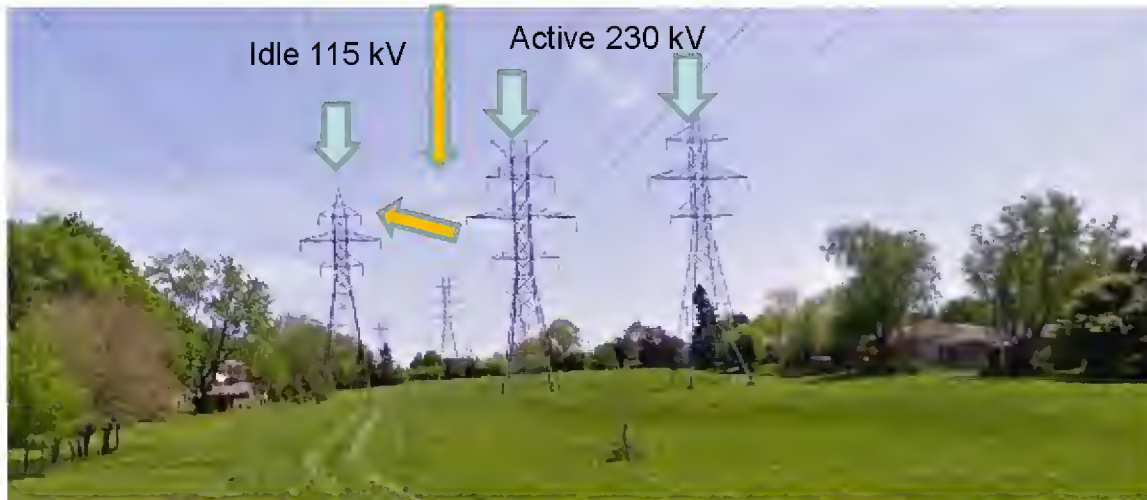
Option 1 – Richview to Manby

- Replace existing idle 2-circuit 115kV line with 2-circuit 230kV
 - Existing right of way already has two 230 kV 2-circuit lines
- Approximately 7 km, all adjacent to residential areas

Idle 115 kV to
be replaced by
230 kV

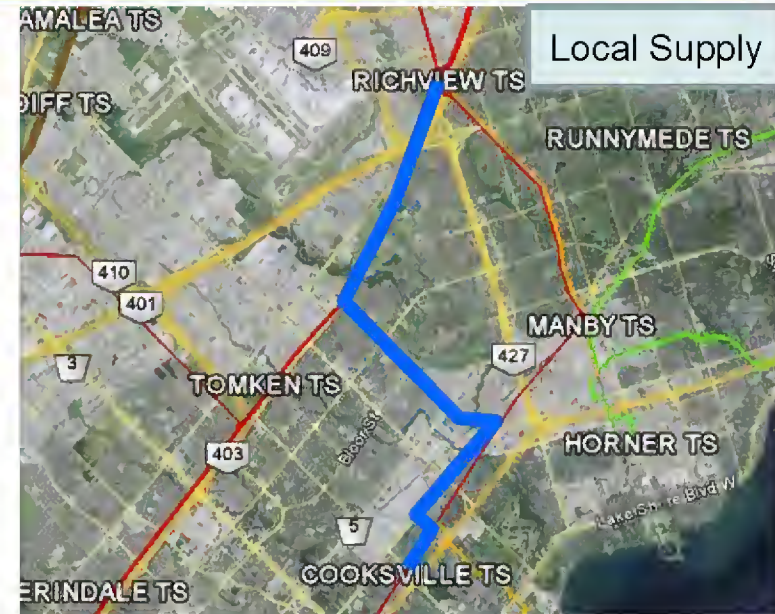
Idle 115 kV

Active 230 kV



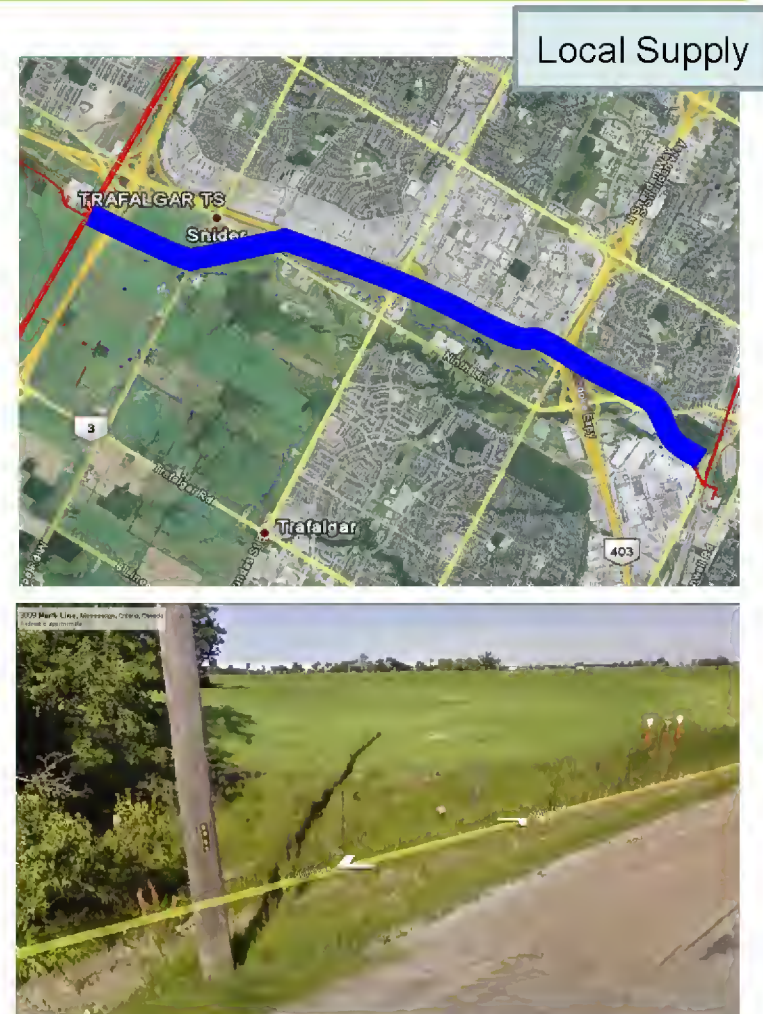
Option 2 – Richview to Cooksville

- String a second 230kV circuit on the existing L24C tower line, increasing the supply to Cooksville TS
 - Existing transmission towers are suitable for carrying a second line
- Approximately 14 km, mostly adjacent to residential areas
- Alternatively, could use series compensation on L24C to relieve Richview X Manby, at reduced cost, but reliability lower than incorporating a new circuit



Option 3 – Trafalgar to Oakville

- New 230kV 2-circuit line along the Parkway Belt West corridor
 - Parkway Belt West Plan was implemented by the Province in 1978, land remains available for transmission
 - Lines on the Parkway Belt, are exempt from EA requirements
 - Previous attempts to build transmission overhead met with local objections (1990s). Proximity to schools was an issue
- Approximately 8 km long, mostly along 403 highway, roughly 1 km of the corridor is adjacent to residential development
- Routing will be chosen to minimize proximity to schools and residences adjacent to the Parkway



Technical Evaluation of Options to Address Richview to Manby Constraint

Option	Cost	Reliability to SWGTA	Future Options for Toronto	Supports Milton Expansion	Local Impact
Option 1 Richview to Manby <ul style="list-style-type: none"> Replace idle 115 kV line with new 230 kV 	About \$50M over head, if underground required, cost increases	Marginal	Reduced	No	Replace line on existing right of way
Option 2 Richview to Cooksville <ul style="list-style-type: none"> New 230 kV circuit on existing towers or right-of-way station for series compensation 	About \$50M for new circuit Series compensation could reduce cost by about 50%	Better with new circuit Marginal with series compensation	Moderate	No	Additional circuit on existing towers
Option 3 Trafalgar to Oakville <ul style="list-style-type: none"> New 2 X 230 kV line on available corridor 	About \$50M over head, if underground required, cost increases	Best	Best	Yes	New line on approved, but undeveloped corridor

On Balance Trafalgar to Oakville is the Better Option When Local Impacts are Mitigated

A new line from Trafalgar TS to Oakville TS has the following unique benefits

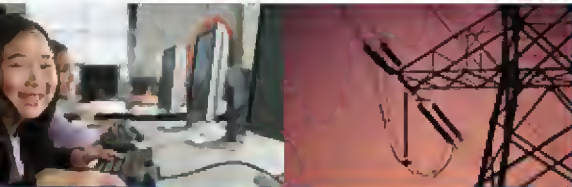
- Optimizes use of existing assets in the region;
- Improves reliability of supply to SW GTA and Toronto;
- Preserves Richview to Manby for future Toronto expansion;
- Provides increased operational flexibility in the GTA

Local impacts on the community can be minimized by;

- Appropriately positioning the line on the multi-use corridor
- Using underground cables, and appropriate structures in high impact areas

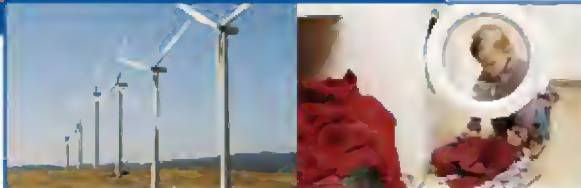
Appendix

SW GTA Gas Generation Cancellation and
Options Presentation to Premiers Office,
September 2010



ONTARIO POWER AUTHORITY

September 13, 2010



Alternatives for Southwest GTA

Prepared by: Power System Planning

Scope of this presentation

- Rationale for Southwest GTA when planned in 2007
- Changes since 2007
- Alternatives for replacement
 - Transmission aspects
 - Generation aspects
- Preliminary results of analysis

Rationale for building gas-fired generation in Southwest GTA

1. Replace coal
2. Complement wind

By placing generation in Southwest GTA:

3. Restore Supply-Demand balance for GTA
4. Relieve constrained transmission
 - *Auto-transformer at Claireville TS*
 - *Auto-transformer at Trafalgar TS*
 - *Richview-Manby transmission corridor*
 - *Reduce transmission losses*

What has changed since 2007

- **Recession has reduced demand forecast, but not in GTA**
 - *Current demand projection is 1,100 MW lower by 2015*
 - *GTA load forecast is less affected*
- **Supply picture has changed:**
 - FIT program increases the amount of renewable generation
 - Less gas-fired generation planned
 - Prospect of Pickering continued operation
 - Uncertainty about Bruce refurbishment schedule
- **Delays in approvals process for Oakville GS**

The effect of changes since 2007 on drivers for the plant

Factors shaping requirement for Oakville Generating Station	Current relevance in view of changes since 2007	Comments
Replace coal	Less relevant	Delays in OGS approvals will delay OGS in-service to beyond 2014: outside of the coal replacement timeframe
Complement wind	More relevant	FIT program will result more renewables, increasing requirement for flexible supply sources within Ontario's mix
Restore Supply-Demand Balance for GTA	Same	Demand in GTA continues to be robust. Need for transmission reinforcement starts in 2018
Relieve constrained transmission		

OPA has been asked to evaluate three alternatives to the current Oakville GS

1. GTA transmission expansion and Nanticoke generation
2. GTA transmission expansion and Halton Hills GS expansion
3. Relocate Oakville GS to north Oakville and connect by transmission lines to Oakville TS

Option 1: GTA transmission and Nanticoke generation

Extensive new transmission in GTA costing \$200M :

- Claireville TS auto-transformer relief
 - 7km new transmission lines to Richmond Hill #1 & #2
 - \$65M (overhead and underground)
- Trafalgar TS auto-transformer relief
 - New Auto-transformers at Milton SS and lines to Halton Hills TS
 - \$90M to \$105M (station and overhead)
- Richview to Manby Corridor relief
 - \$20M - \$30M (TxO or RxM)
 - 7km, \$20M for Trafalgar x Oakville
 - 6.5km, \$30M for Richview x Manby
- Increased transmission losses

Note 1 - Generation sites available, OPG facilities can be repowered but Gas pipeline has to be extended to Nanticoke: \$150 Million, three years or more

Note 2 – With current plan for placing Phase 4 or 5 of Korean Consortium in the Bruce area, only the advancement of Milton station costs now apply



Option 2: GTA transmission and Halton Hills GS expansion

- Existing generating site can accommodate added units, but it is in a busy transmission corridor, inadequate to incorporate significant amounts of new generation without major transmission
- Requires comparable amount and cost of transmission to option one
- 12 km new transmission line required from Halton Hills GS to Trafalgar TS to allow for expanded generation (est. cost: \$40M)
- This option adds generation to the GTA and thus partially restores GTA supply/demand balance
 - but may only provide partial relief to Claireville TS and Trafalgar TS



Option 3: North Oakville generation connected by 7 Km transmission to Oakville south

- **Limited transmission needed: only 7 Km to the south on an existing right of way designated for transmission, preserves corridors shown for option 1 within GTA for future use**
- **\$20M cost of new transmission if it is built as overhead transmission, \$100M-\$150M if underground**



Results of assessment

- All alternatives must start with transmission into SW GTA
- Relocating to North Oakville and connecting with 7 Km transmission to Oakville TS achieves best results
- Place higher priority on operational flexibility and transmission relief
 - Build Simple cycle gas turbines not combined cycle (because they can better complement wind)
 - Size to relieve transmission (starting around 2018). Smaller size is possible, around 350-500 MW
It can be the first stage of an ultimate combined cycle plant of 850 MW
 - In service date can be delayed from original 2013 date to 2015. If 2015 in-service is not feasible, then other generation options will have to be activated.

APPENDICES

Contents:

Appendix A: Energy and peak demand projections to 2015

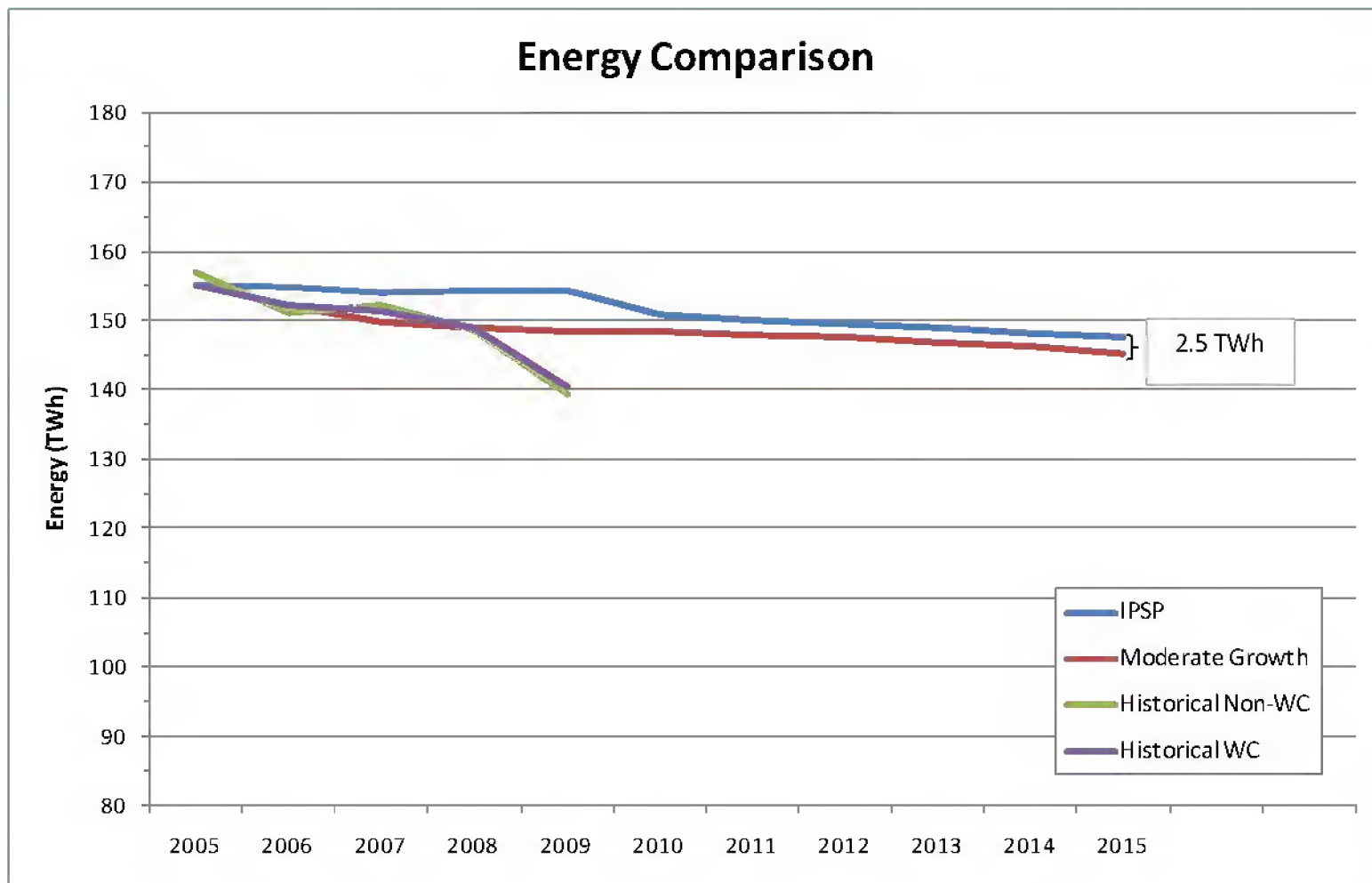
Appendix B: Supply projections to 2015

Appendix C: Drivers for need in southwest GTA

Appendix D: Other relevant details for option three

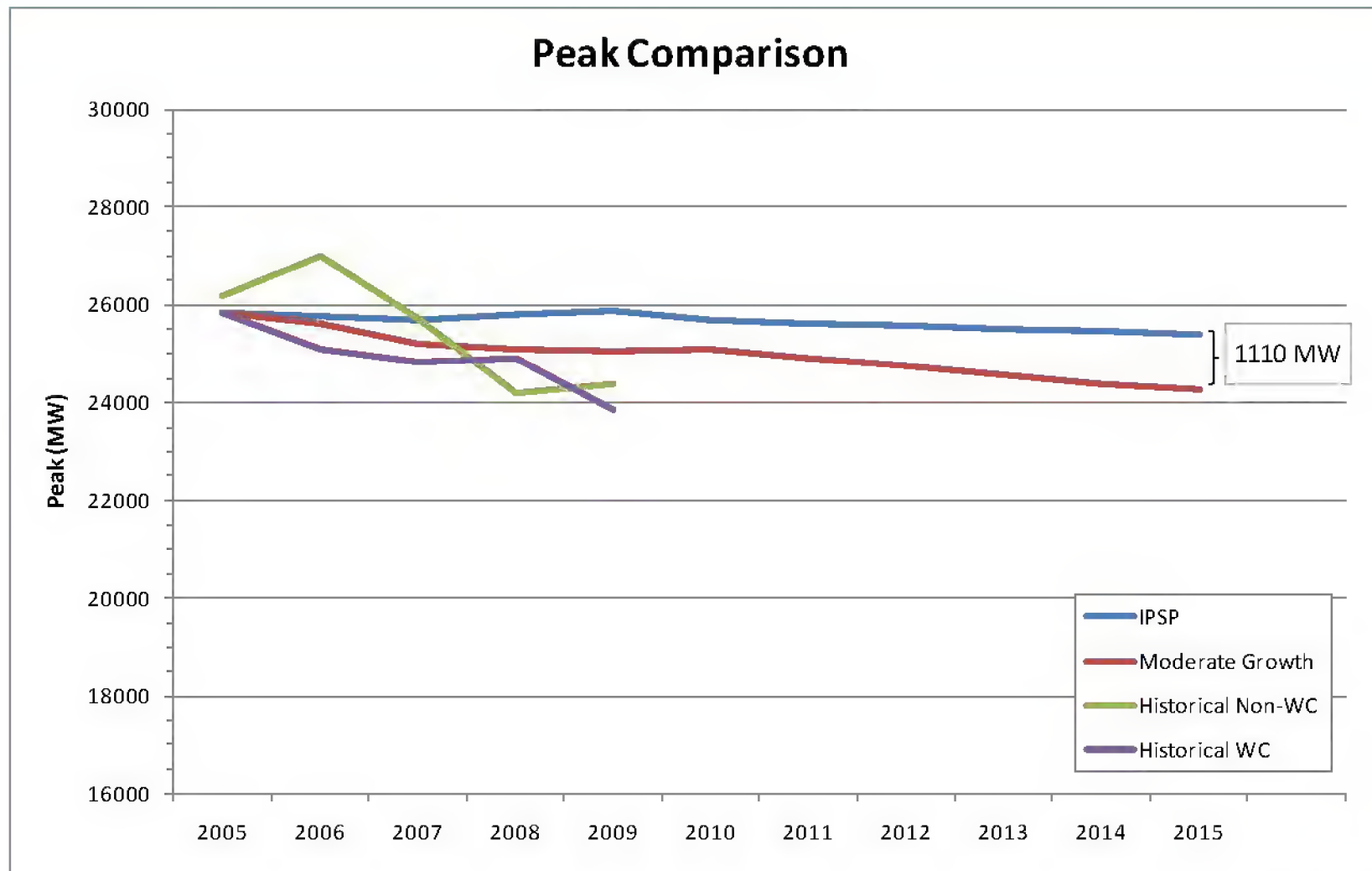
Appendix A:

Energy demand forecast is now 2.5 TWh lower than forecast made in 2007



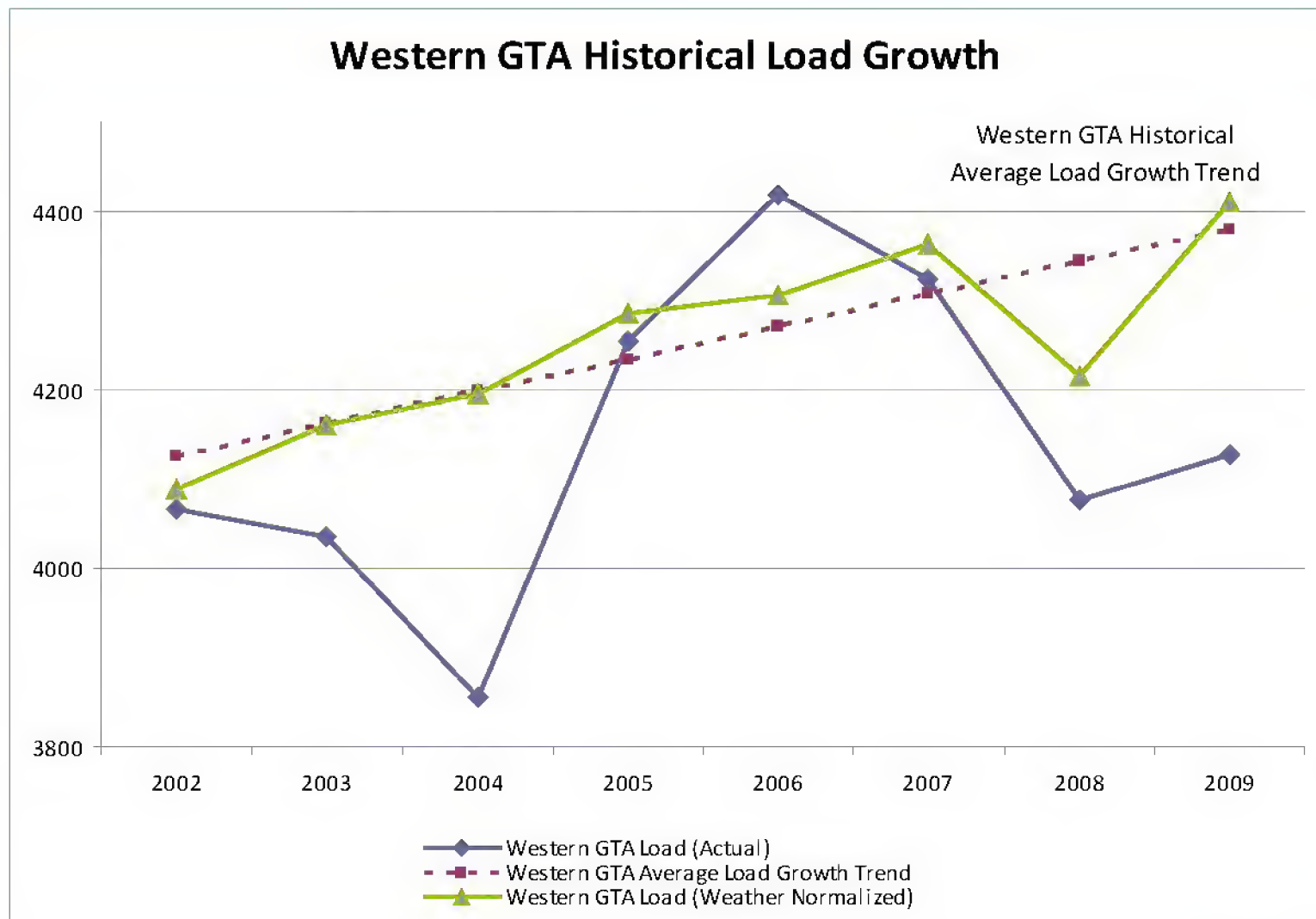
Appendix A:

Peak demand forecast for 2015 is now 1110 MW lower than forecast made in 2007



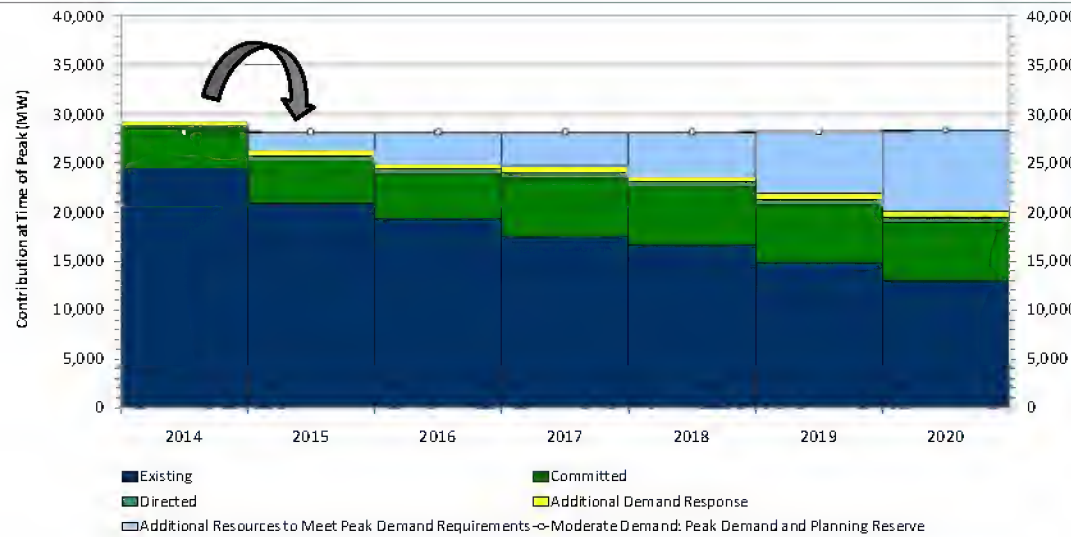
Appendix A:

Demand is robust in western GTA



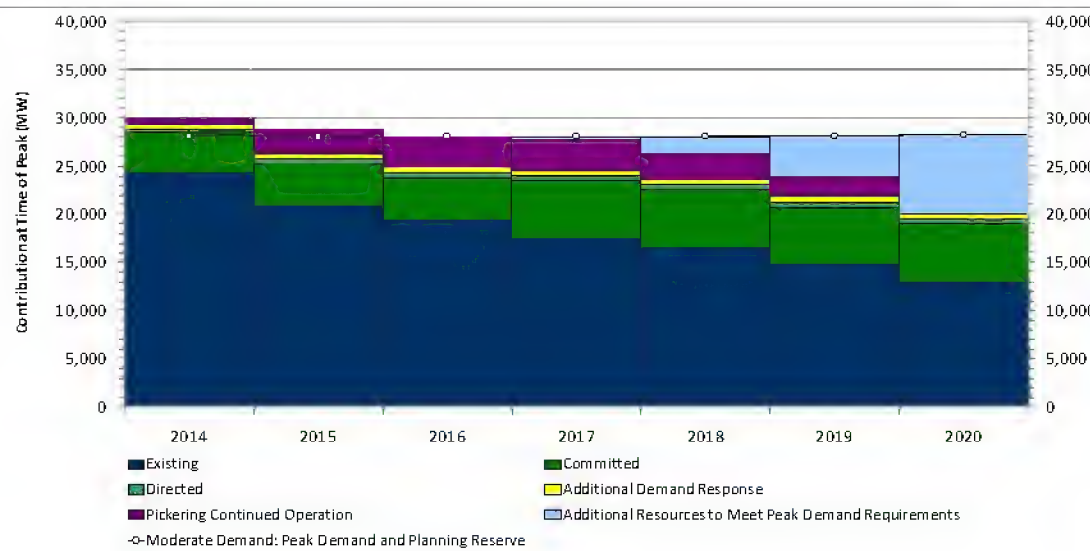
Appendix B:

Supply gap without Southwest GTA starts in 2015



Without Pickering Continued Operation

- 1,760 MW gap starts in 2015 and grows
- *Reduction in supply between 2014 and 2015 is mostly due to Pickering end of life (4 units, 2062 MW) and coal closure (4 units, 1286 MW)*



With Pickering Continued Operation

- Gap starts around 2018

Appendix B:

Supply outlook by project in the year 2015 (Installed MW)

Status	Resource Type	Commitment	Project	Installed MW	Status	Resource Type	Commitment	Project	Installed MW	
Existing	Nuclear	Bruce	Bruce Units 5 - 8	3,288	Committed	Nuclear	Refurbishment	Bruce A Units 1 & 2	1,500	
		Darlington	Darlington Units 1 - 4	3,524			Greenfield South	280		
		Pickering	Pickering Unit 8	516		Gas	Clean Energy Supply	Oakville	900	
		CTU	Various	45			Accelerated Clean Energy Supply	Halton Hills	632	
	Gas	Accelerated Clean Energy Supply	Portlands Energy Centre	639			Peaking Generation Contract	York Energy Centre	393	
			Goreway Station	942		Renewable	Hydroelectric Energy Supply Agreement	Upper Mattagami	61	
		Clean Energy Supply	Greater Toronto Airports Authority	117			Renewable Energy Standard Offer Program	Various	805	
			Greenfield Energy Centre	1,153				Island Falls	20	
			St. Clair Energy Centre	678				Kruger Wind	101	
			East Windsor Cogen	100				Gosfield Wind	50	
		Combined Heat and Power 1	Thorold Cogeneration	287				Raleigh Wind	78	
			Warden Energy Centre	5				Talbot Wind	99	
			Durham College District Energy	3				Greenwich Wind	99	
			Great Northern Trigen	11			Combined Heat and Power 3	Becker	15	
			Countryside London Cogen	12			Feed-in-Tariff Program, including microFIT	Various	2,805	
		Early Movers Clean Energy Supply	Brighton Beach	580			Korean Consortium	Phases 1, 2 & 3	1,300	
			Sarnia	510		Demand Response	Various Demand Response Programs	Various	346	
		Lennox	Lennox	2,105		Directed	Renewable	Hydroelectric Energy Supply Agreement	Lower Mattagami	450
		Non-Utility Generator	Various	926				Atikokan Biomass Energy Supply Agreement	Atikokan	200
		Dow Chemical	Dow Chemical	100	Pickering Continued Operation	Nuclear	Pickering Continued Operation	Pickering Unit 1-7	2,578	
		CTU	Various	13	Additional Demand Response	Demand Response	Various Demand Response Programs	Various	648	
	Renewables	Combined Heat and Power 1	Algoma Energy	63						
		Hydroelectric Contract Initiative	Various	983						
		Hydroelectric Energy Supply Agreement	Ear Falls	17						
			Lac Seul	13						
			Glen Miller/Sidney (Hydro)	8						
			Eastview Landfill Gas	3						
			Melancthon 1 (Wind)	68						
		Renewable Energy Supply 1	Kingsbridge 1 (Wind)	40						
			Erie Shores (Wind)	99						
			Hamilton Community Digester	2						
			Trail Road Landfill Gas	5						
			Prince Wind Power Project 1	99						
			Umbata Falls	24						
			Prince Wind Power Project 2	90						
			Ripley Wind Farm	76						
		Renewable Energy Supply 2	Melancthon 2 (Wind)	132						
			Kruger Energy Port Alma Wind Power Project	101						
			Enbridge Ontario Wind Farm	182						
			Wolfe Island Wind Project	198						
			Renewable Energy Standard Offer Program	Various	214					
			Hydroelectric	Various	6,874					
			Biomass	Various	113					
			Other Small Resources	Various	4					
	Demand Response	Various Demand Response Programs	Various	140						
									Total	38,640

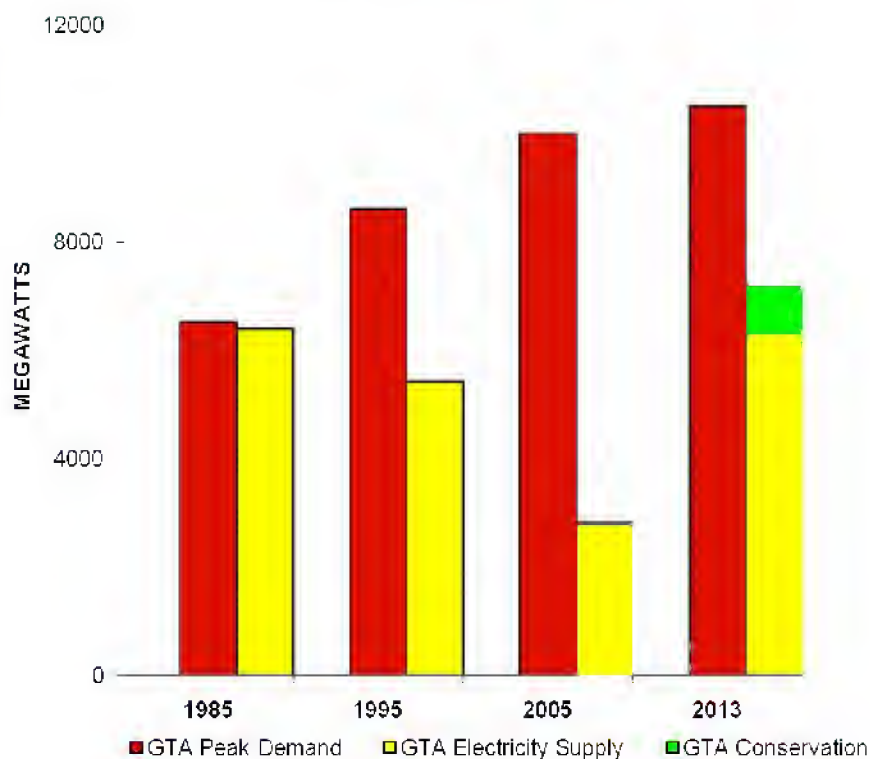
Appendix C:

Supply-Demand balance in GTA

New GTA supply from 2005 to 2013:

- Goreway GS – 860 MW (2009)
- Portlands Energy Center – 550 MW (2009)
- Halton Hills GS – 600 MW (2010)
- Northern York Region – 350 MW (2011)
- Greenfield South – 280 MW (2012)
- Oakville GS – 900 MW (2014)

GTA Peak Demand vs Local Supply



Appendix C:

Western GTA – constrained transmission

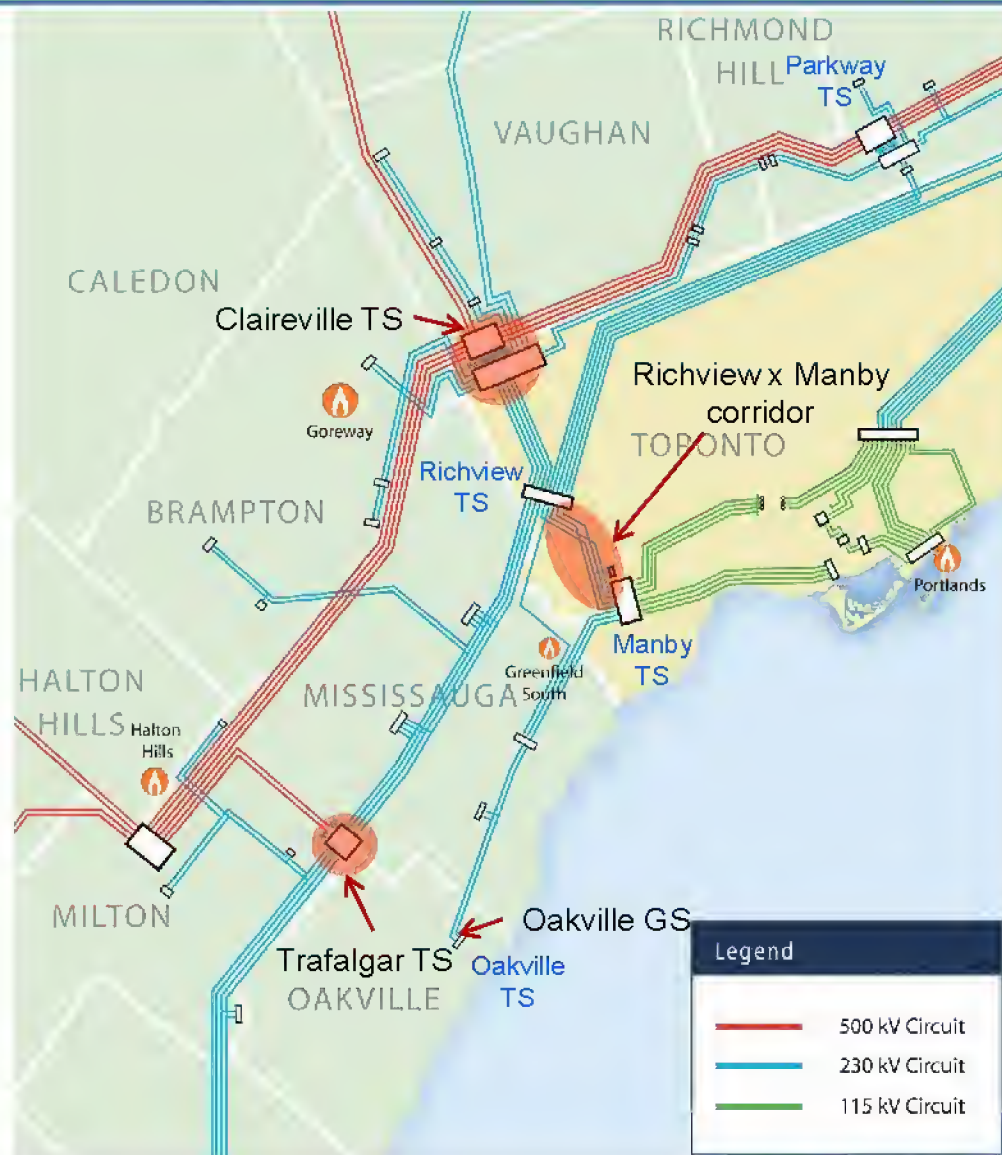
•Key Stations

- Claireville TS
- Richview TS
- Manby TS
- Oakville TS
- Parkway TS
- Trafalgar TS

•Constrained transmission



- Richview x Manby corridor
- Transformers at Claireville TS
- Capacity at Trafalgar TS



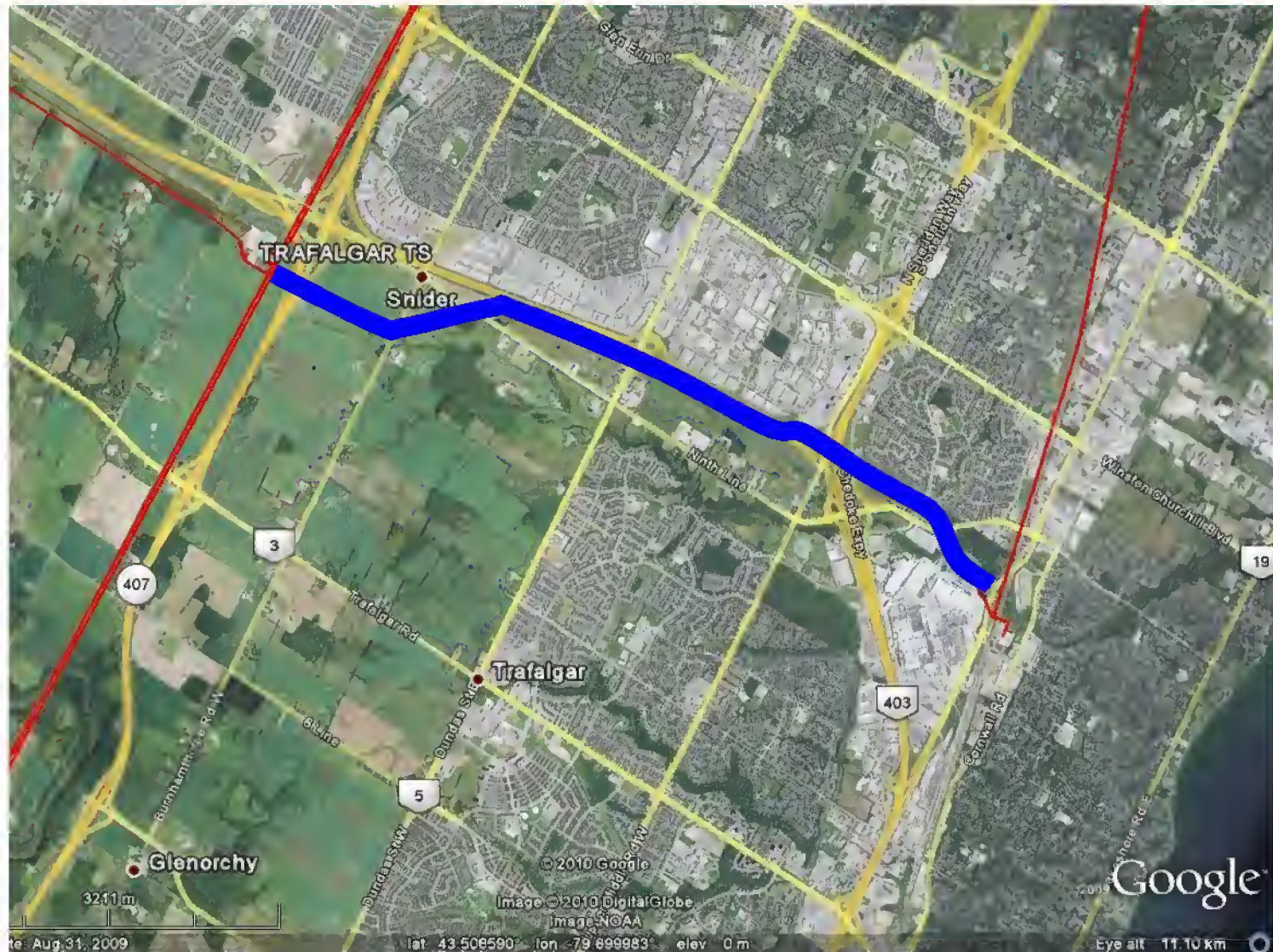
Appendix D:

Transmission corridor information for option three

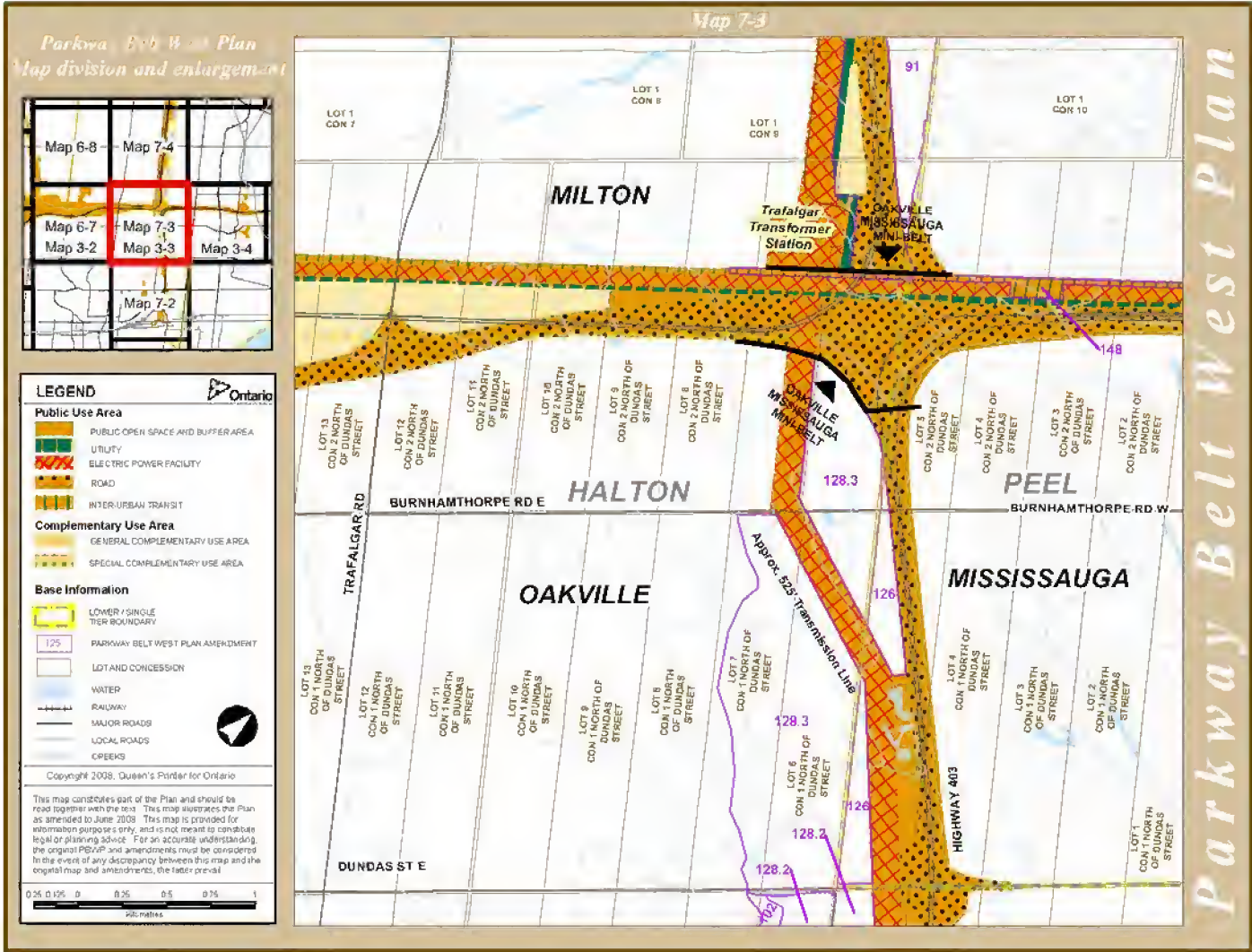
- Parkway Belt West Plan was implemented by the Province of Ontario in 1978 “for the purposes of creating a multi-purpose utility corridor, urban separator and linked open space system”
- Land corridor is available for transmission, but has no transmission towers on it. Previous attempts to build transmission overhead met with local objections
- Exemption Order OHK-11 under the Environmental Assessment Act provides for certain Transmission ROWs within the Parkway Belt, including Trafalgar TS x Oakville TS, to be exempt from EA requirements

Appendix D:

Approximate Trafalgar x Oakville Right of Way

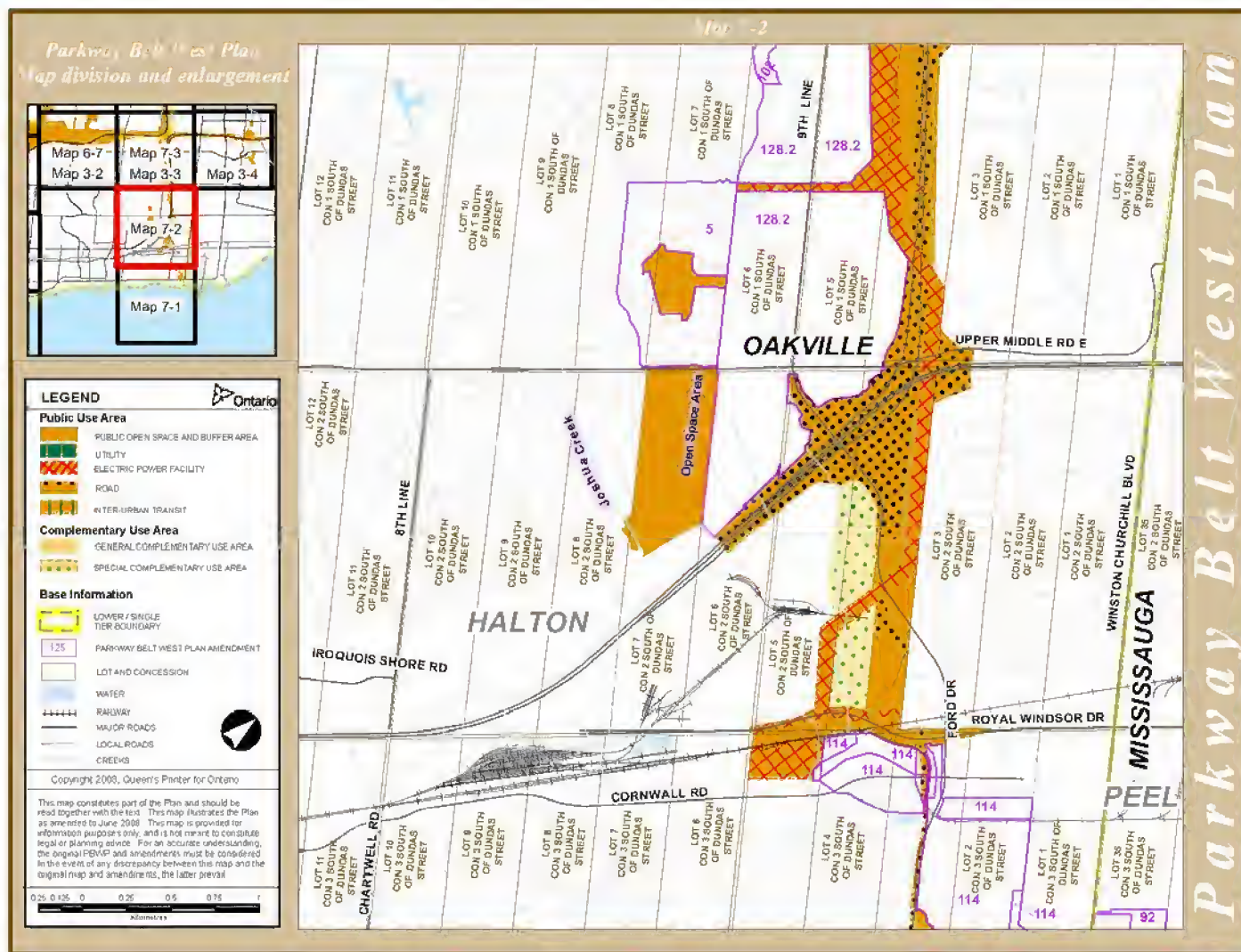


North Trafalgar to Oakville TS



Appendix D:

South Trafalgar to Oakville TS



Cayley, Daniel (ENERGY)

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October-21-11 4:50 PM
To: Kristin Jenkins; Patricia Phillips
Cc: Silva, Joseph (ENERGY); Sharkawi, Rula (ENERGY)
Subject: response to spears

Hi –

Here is the approved messaging:

“The absence of a generating station in the southwestern GTA will not cause immediate reliability issues therefore providing an opportunity for the government to find a suitable location to relocate the plant to.”

I'm also calling Patricia.

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 12:10:05 2011
Subject: Re: Mississauga power plant

In the spring, OPA advised the ministry that:

-Greenfield plant valuable bc of location in SWGTA given local supply and reliability needs. Cancellation of OGS increased value.

-Not having plant in SWGTA would not cause immediate reliability issues but would mean transmission upgrades would have to be accelerated by 2-3 years.

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: Friday, October 21, 2011 12:00 PM
To: Kristin Jenkins; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>
Cc: Patricia Phillips
Subject: Re: Mississauga power plant

Just confirming - there's nothing that can be provided - correct?

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 10:26:18 2011
Subject: FW: Mississauga power plant

Heads up - see below. Will follow-up with you shortly.

Kristin

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 21, 2011 9:33 AM
To: Kristin Jenkins
Subject: RE: Mississauga power plant

Thanks, Kristin, but that's not the question I asked.
Surely some analysis was done, very recently, about the impact of NOT building the plant.
That's what I'm interested in.
Or are you telling me that the plant was cancelled with absolutely no input or analysis by the OPA?
John

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: Thursday, October 20, 2011 5:57 PM
To: Spears, John
Subject: Re: Mississauga power plant

John - please accept my apology for the delay. This should not have taken so long.

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April 2005.

The need for generation in southwest GTA was outlined in the OPA's 2007 IPSP plan
http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505__mm_.pdf (see page 17).

This matter is currently under review. Next steps will be communicated as soon as possible.

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: Thursday, October 20, 2011 04:33 PM
To: Kristin Jenkins
Subject: FW: Mississauga power plant

Hello Kristin,
It's now more than 48 hours since I made a simple request.
All I have received is Tim's response of yesterday saying he was seeing it for the first time Wednesday. From the time track on the e-mail, it appears he had seen it late Tuesday.
Since then, nothing. I have telephoned and received no reply.
This is a pretty straightforward request, it seems to me.
If someone wants to get back to me and explain why this will take time, I'm all ears.

But burying OPA's head in the sand hardly seems the appropriate response.

How do I get an answer?

John

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]

Sent: Wednesday, October 19, 2011 10:53 AM

To: Spears, John

Subject: Fw: Mississauga power plant

Hi John,

Sorry, I didn't see this until this morning. When is your deadline?

Tim Butters

From: Tim Butters

Sent: Tuesday, October 18, 2011 04:58 PM

To: Tim Butters

Subject: FW: Mississauga power plant

From: Spears, John [mailto:JSpears@thestar.ca]

Sent: October 18, 2011 2:48 PM

To: Media

Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears

Toronto Star

416-869-4353

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Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-21-11 4:54 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft transition deck - take 2
Attachments: Greenfield South Construction Transition Oct 21 2011 (2).ppt

Confidential/Solicitor-Client Privileged

Joseph, thank you for taking the time to talk to me about the content of the deck. I have revised the last version that you saw to include the options considered by the OPA. I modified the pros and cons outlined in the OPA's deck in minor ways.

Rick/Ryan, this deck talks about alternate sites – you may want to change or modify these points.

Carolyn

This communication may be solicitor/client privileged and contain confidential information only intended for the person(s) to whom it is addressed. Any dissemination or use of this information by others than the intended recipient(s) is prohibited. If you have received this message in error please notify the writer and permanently delete the message and all attachments. Thank you.

Greenfield South Generating Station

Date: October 21, 2011

Present Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- The recent construction of condominium towers in the general area has prompted a policy reconsideration of the location of the gas plant.

Background

- This project is a 280 MW combined cycle gas-fired generation station.
- The project was initiated by the Ministry of Energy through a request for proposals process in 2004.
- In 2005, the project was assigned to the OPA and the OPA entered into a contract with the project developer, Greenfield South Power Corporation (controlled by Eastern Power Corporation).
 - The Province is not a party to the contract
- The project suffered delays in securing approvals for constructing the project.
- The contract was amended in March 2009 to reflect these delays.
- The project has now received all required provincial and municipal approvals, including its Environmental Assessment, Certificates of Approval and building permit.
- Construction of the project is underway and continues.
- The contract requires the project to be in commercial operation by September 1, 2014.

Considerations

- The OPA has advised that it has no right under the contract to terminate in the current circumstances.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not ‘down tools’ until it receives formal notification of next steps.
- The identification of potential alternative site options has not yet been completed. Each of these alternative sites have various issues associated with them.

Options Considered by the OPA

1. **Unilateral termination of contract**

- OPA would inform Eastern Power that it will not perform its obligations under the contract
- **Pros**
 - Eastern Power will be required to begin to mitigate its damages, and should stop construction, and the OPA will avoid damages for Eastern Power's additional costs that could have been avoided after date of termination of contract
- **Cons**
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counterparties

Options Considered by the OPA

2. **Negotiation (recommended)**

- OPA or designated negotiator could commence negotiations with Eastern Power regarding stopping construction and developing a new location for a different facility
- Pros
 - Provides the opportunity to assess position of Eastern Power and what it requires to cease construction and end the contract
 - Could consider alternative sites
- Cons
 - Eastern Power may refuse to commence discussions
 - OPA advises that Eastern Power is likely to continue construction while discussion is ongoing unless they receive an incentive to stop
 - May need to revert to other options at a later stage

Options Considered by the OPA

3. **Legislation**

- The contract could be cancelled by legislation that would include provisions expressly terminating the contract, immunizing the Crown and the OPA from law suits arising from termination of the contract and addressing types of and mechanisms to determine compensation
- **Pros**
 - Allows Government to control the compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)
- **Cons**
 - Will be controversial and requires time to enact
 - Eastern Power could commence law suit before legislation is enacted, although legislation could ultimately preclude liability and damages
 - Has a potential impact on investment climate

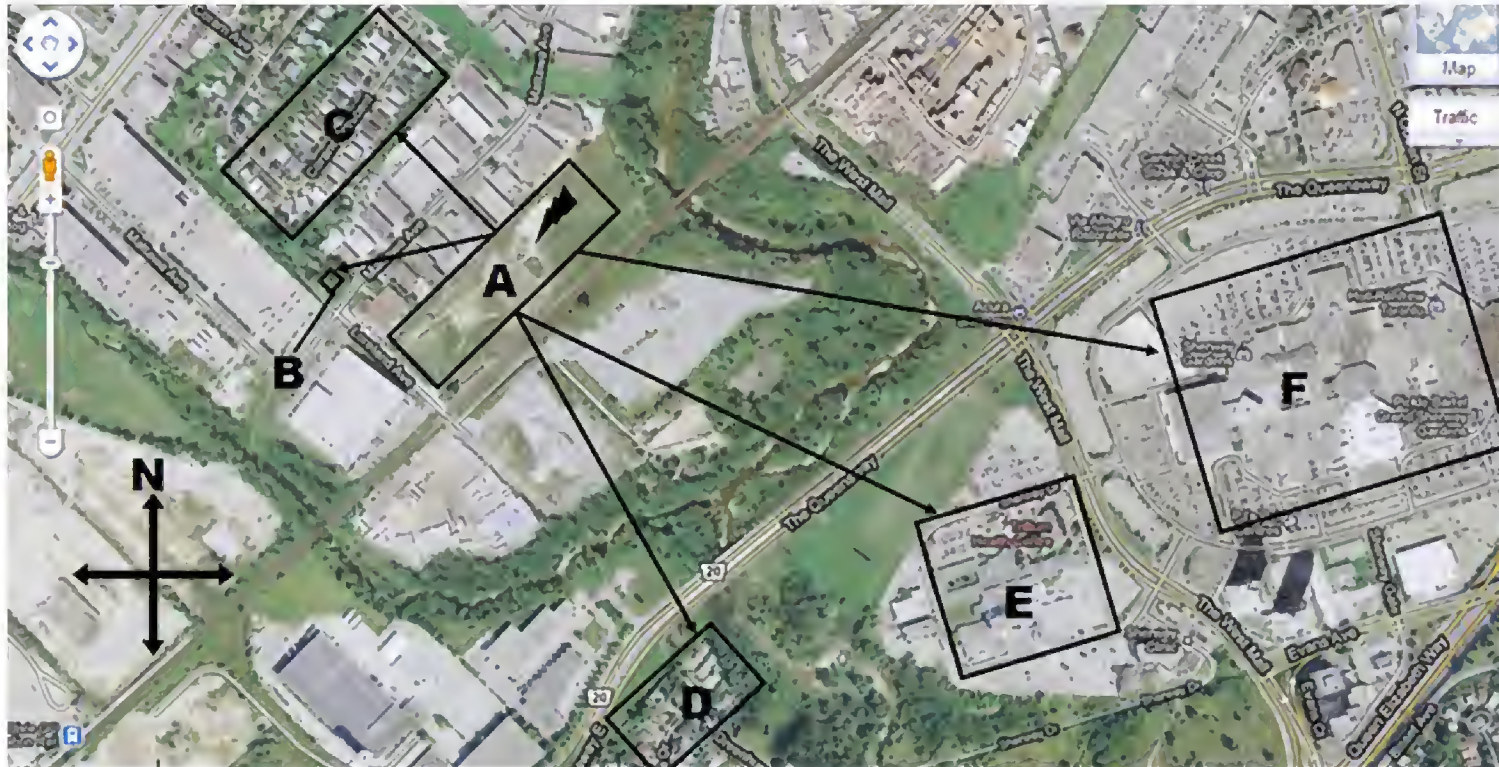
Options Considered by the OPA

4. **Pay the plant not to run**

- The OPA advises that the plant could be constructed but the developer could be directed to not operate it, using contractual provisions that give the OPA this authority.
- Pros
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
- Cons
 - Will be difficult to convince community that plant will not operate

Legal Issues

- Any discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA to terminate the contract or commence discussions with Eastern Power may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under trade law if this project does not proceed.



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Fisher, Petra (ENERGY)

From: Adkar, Samir (ENERGY)
Sent: October-21-11 5:00 PM
To: Jennings, Rick (ENERGY)
Subject: RE: Eastern Power

I've seen both Greg and Hubert listed as Board Members in various media, but I don't know how accurate that is.

They are definitely a private company... and very difficult to get information about.

If there is a Board, my strong suspicion is that those 2 Vogt brothers hold the balance of power if not own the entire company.

FYI there are 2 other Vogt brothers, but one is not a business person, and the third may still hold some position in the company and be part owner.

Herman Walter was the founder and former president of the company, and I really wonder if he gave some "shares" or ownership to other family. He was in his late 80's when I last worked there 10 years ago. They are a secretive and private company, so I doubt there's any way to get an answer to that.

Regards,
Samir

From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 4:49 PM
To: Adkar, Samir (ENERGY)
Subject: RE: Eastern Power

Thanks Samir, very helpful. Do you know if there is a Board of Directors? I assume that it is a private company i.e. not publicly traded shares.

From: Adkar, Samir (ENERGY)
Sent: October 21, 2011 4:45 PM
To: Jennings, Rick (ENERGY)
Subject: RE: Eastern Power

Hi Rick,

Eastern Power is "affiliated" with Greenfield South Power Corp. In fact, both companies have the same corporate address and same contact, Hubert Vogt, Vice President for their current OEB generation licences. (Eastern Power owns and operates 2 small landfill gas powered sites).

From very recent press that I've seen, it's Hubert who is making statements about the continued construction... I haven't heard anything from Greg recently.

Greg Vogt was vice-president back when I worked there many years ago, but he since became President (Herman Walter was president back when I worked there). I've seen Greg's name and title as President of Eastern Power in many places through the years (including being named in lawsuits), though I have not seen it very recently, though I would assume he's still president as I have not heard anything otherwise. I tried to discretely call Eastern Power, but I'm not getting an answer.

Greg and Hubert are the only principles I know of that are still with Eastern Power (and Greenfield South Power Corp.).

I hope that helps. Please let me know if you need further information.

Regards,
Samir

From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 3:50 PM
To: Adkar, Samir (ENERGY)
Subject: Eastern Power

Samir, I have been asked if we can identify the principals and details around Eastern Power. While I have conveyed this on several occasions it appears that I am not believed. Could you summarize for me, based on your work experience there, who the principals are – Greg Vogt etc. and its structure?

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-21-11 5:14 PM
To: Calwell, Carolyn (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY); Dunning, Rebecca (ENERGY)
Subject: RE: Draft transition deck - take 2
Attachments: Greenfield South Construction Transition Oct 21 2011 (2).ppt

Duplicate attachment removed

Thanks very much Carolyn. Really appreciate this.

Rick – please do take a look if you can. The plan is to bring this as the transition document to guide Greenfield discussion.

Joseph

From: Calwell, Carolyn (ENERGY)
Sent: October 21, 2011 4:54 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft transition deck - take 2

Confidential/Solicitor-Client Privileged

Joseph, thank you for taking the time to talk to me about the content of the deck. I have revised the last version that you saw to include the options considered by the OPA. I modified the pros and cons outlined in the OPA's deck in minor ways.

Rick/Ryan, this deck talks about alternate sites – you may want to change or modify these points.

Carolyn

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Cayley, Daniel (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-21-11 5:17 PM
To: Calwell, Carolyn (ENERGY)
Subject: FW: APPROVED; Spears; Mississauga power plant

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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E-mail: Halyna.Perun2@ontario.ca

Notice

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From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 21, 2011 4:54 PM
To: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY); Silva, Joseph (ENERGY)
Cc: Sharkawi, Rula (ENERGY)
Subject: FW: APPROVED; Spears; Mississauga power plant

FYI –

I reiterated our concerns with the relocate reference.

PO asked us to go with the approved message they provided, as below.

I've given the OPA the green light to respond with:

“The absence of a generating station in the southwestern GTA will not cause immediate reliability issues therefore providing an opportunity for the government to find a suitable location to relocate the plant to.”

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 21, 2011 4:51 PM
To: 'Robart, Lisa (CAB)'
Cc: Sumi, Craig (CAB); McMichael, Rhonda (CAB); van der Valk, Jennifer (CAB); Danyluk, Erica (CAB); Sharkawi, Rula (ENERGY)
Subject: RE: APPROVED; Spears; Mississauga power plant

Thank you for double-checking in light of our flags.

I have given the OPA the ok to send this message to Spears.

From: Robart, Lisa (CAB)
Sent: October 21, 2011 2:38 PM
To: Kovesfalvi, Sylvia (ENERGY)
Cc: Sumi, Craig (CAB); McMichael, Rhonda (CAB); van der Valk, Jennifer (CAB); Danyluk, Erica (CAB)
Subject: APPROVED; Spears; Mississauga power plant

Hi Sylvia,

Here is the **P.O.-approved** messaging in response to Spears' last question re: OPA analyses about the impact of NOT building the Mississauga generating station.

"The absence of a generating station in the southwestern GTA will not cause immediate reliability issues therefore providing an opportunity for the government to find a suitable location to relocate the plant to."

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 21, 2011 12:48 PM
To: Robart, Lisa (CAB)
Cc: Sumi, Craig (CAB)
Subject: URGENT: Mississauga power plant

Our folks would like to have opa respond with this bullet only.

-Not having plant in SWGTA would not cause immediate reliability issues but would mean transmission upgrades would have to be accelerated by 2-3 years.

Sent from my BlackBerry Wireless Handheld

From: Kovesfalvi, Sylvia (ENERGY)
Sent: October 21, 2011 12:32 PM
To: Robart, Lisa (CAB)
Cc: Sumi, Craig (CAB)
Subject: Fw: Mississauga power plant

Hi lisa - heads up. We've heard back from spears. Our folks are reviewing the opa's draft response below (so it may change) but wanted to give you a heads up - we will need quick approval once this is finalized).

Sent from my BlackBerry Wireless Handheld

From: Kovesfalvi, Sylvia (ENERGY)
To: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); Perun, Halyna N. (ENERGY)
Cc: King, Ryan (ENERGY); Teixeira, Wanda (ENERGY); Sharkawi, Rula (ENERGY)
Sent: Fri Oct 21 12:16:18 2011
Subject: Fw: Mississauga power plant

This just in from opa. Pls let me know if you have any concerns.

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Kovesfalvi, Sylvia (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 12:10:05 2011
Subject: Re: Mississauga power plant

In the spring, OPA advised the ministry that:

-Greenfield plant valuable bc of location in SWGTA given local supply and reliability needs. Cancellation of OGS increased value.

-Not having plant in SWGTA would not cause immediate reliability issues but would mean transmission upgrades would have to be accelerated by 2-3 years.

From: Kovesfalvi, Sylvia (ENERGY) [mailto:Sylvia.Kovesfalvi@ontario.ca]
Sent: Friday, October 21, 2011 12:00 PM
To: Kristin Jenkins; Sharkawi, Rula (ENERGY) <Rula.Sharkawi@ontario.ca>
Cc: Patricia Phillips
Subject: Re: Mississauga power plant

Just confirming - there's nothing that can be provided - correct?

Sent from my BlackBerry Wireless Handheld

From: Kristin Jenkins <Kristin.Jenkins@powerauthority.on.ca>
To: Sharkawi, Rula (ENERGY); Kovesfalvi, Sylvia (ENERGY)
Cc: Patricia Phillips <Patricia.Phillips@powerauthority.on.ca>
Sent: Fri Oct 21 10:26:18 2011
Subject: FW: Mississauga power plant

Heads up - see below. Will follow-up with you shortly.

Kristin

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 21, 2011 9:33 AM
To: Kristin Jenkins
Subject: RE: Mississauga power plant

Thanks, Kristin, but that's not the question I asked.
Surely some analysis was done, very recently, about the impact of NOT building the plant.
That's what I'm interested in.
Or are you telling me that the plant was cancelled with absolutely no input or analysis by the OPA?
John

From: Kristin Jenkins [mailto:Kristin.Jenkins@powerauthority.on.ca]
Sent: Thursday, October 20, 2011 5:57 PM
To: Spears, John
Subject: Re: Mississauga power plant

John - please accept my apology for the delay. This should not have taken so long.

In 2004 and 2005 the Ministry of Energy developed and administered Clean Energy Supply (CES) Request for Proposals to secure new generation to support coal replacement and local reliability. Greenfield South Power Corporation (managed by Eastern Power Corporation) was the successful applicant in the CES RFP and signed a contract with the OPA in April 2005.

The need for generation in southwest GTA was outlined in the OPA's 2007 IPSP plan
http://archive.powerauthority.on.ca/Storage/69/6447_D-8-1_corrected_080505__mm_.pdf (see page 17).

This matter is currently under review. Next steps will be communicated as soon as possible.

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: Thursday, October 20, 2011 04:33 PM
To: Kristin Jenkins
Subject: FW: Mississauga power plant

Hello Kristin,
It's now more than 48 hours since I made a simple request.
All I have received is Tim's response of yesterday saying he was seeing it for the first time Wednesday. From the time track on the e-mail, it appears he had seen it late Tuesday.
Since then, nothing. I have telephoned and received no reply.
This is a pretty straightforward request, it seems to me.
If someone wants to get back to me and explain why this will take time, I'm all ears.
But burying OPA's head in the sand hardly seems the appropriate response.
How do I get an answer?
John

From: Tim Butters [mailto:Tim.Butters@powerauthority.on.ca]
Sent: Wednesday, October 19, 2011 10:53 AM
To: Spears, John
Subject: Fw: Mississauga power plant

Hi John,

Sorry, I didn't see this until this morning. When is your deadline?

Tim Butters

From: Tim Butters
Sent: Tuesday, October 18, 2011 04:58 PM
To: Tim Butters
Subject: FW: Mississauga power plant

From: Spears, John [mailto:JSpears@thestar.ca]
Sent: October 18, 2011 2:48 PM
To: Media
Subject: Mississauga power plant

I'm interested in any analysis the OPA has done about the effect of not building Eastern Power's proposed generating station in Mississauga.

Could you please send me any studies or other analysis the OPA has done relating to this decision?

I'm not looking for contractual details with Eastern Power.

I'm looking instead on why the power plant is no longer needed. Why was the plant proposed in the first place? Why is it no longer considered necessary? What is the likely impact on service, safety and reliability? If the proposed plant's supply is not going to be available, what alternatives are likely to be needed to maintain service – e.g. other power plants, additional transmission lines, or the like?

What are the costs associated with the alternatives? (Again, I'm not asking for details of any payments that might have to be made relating to cancellation of the Eastern Power project.)

I'd be grateful for any studies or analyses that the OPA might have done bearing on these questions.

Thank you.

John Spears
Toronto Star
416-869-4353

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Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-21-11 5:27 PM
To: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Draft transition deck - take 2
Attachments: Greenfield South Construction Transition Oct 21 2011 (2).ppt

Attached are my edits –

Clarification of 2nd and 3rd bullets on Background
Update of 3rd bullet on considerations page
Correction of 4th bullet on Legal Issues page.

From: Calwell, Carolyn (ENERGY)
Sent: October 21, 2011 4:54 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft transition deck - take 2

Confidential/Solicitor-Client Privileged

Joseph, thank you for taking the time to talk to me about the content of the deck. I have revised the last version that you saw to include the options considered by the OPA. I modified the pros and cons outlined in the OPA's deck in minor ways.

Rick/Ryan, this deck talks about alternate sites – you may want to change or modify these points.

Carolyn

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Greenfield South Generating Station

Date: October 21, 2011

Present Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- The recent construction of condominium towers in the general area has prompted a policy reconsideration of the location of the gas plant.

Background

- This project is a 280 MW combined cycle gas-fired generation station.
- In 2004, the Ministry of Energy launched a competitive request for proposals for gas-fired generation in Ontario.
- In April 2005, Eastern Power was selected along with three other gas-fired projects. These projects were assigned to the OPA and the OPA entered into a contract with the project developer, Greenfield South Power Corporation (controlled by Eastern Power Corporation).
 - The Province is not a party to the contract
- The project suffered delays in securing approvals for constructing the project.
- The contract was amended in March 2009 to reflect these delays.
- The project has now received all required provincial and municipal approvals, including its Environmental Assessment, Certificates of Approval and building permit.
- Construction of the project is underway and continues.
- The contract requires the project to be in commercial operation by September 1, 2014.

Considerations

- The OPA has advised that it has no right under the contract to terminate in the current circumstances.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not enter into discussions with the OPA until there is clear notice of the Government's position.
- The identification of potential alternative site options has not yet been completed. Each of these alternative sites have various issues associated with them.

Options Considered by the OPA

1. **Unilateral termination of contract**

- OPA would inform Eastern Power that it will not perform its obligations under the contract
- **Pros**
 - Eastern Power will be required to begin to mitigate its damages, and should stop construction, and the OPA will avoid damages for Eastern Power's additional costs that could have been avoided after date of termination of contract
- **Cons**
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counterparties

Options Considered by the OPA

2. **Negotiation (recommended)**

- OPA or designated negotiator could commence negotiations with Eastern Power regarding stopping construction and developing a new location for a different facility
- Pros
 - Provides the opportunity to assess position of Eastern Power and what it requires to cease construction and end the contract
 - Could consider alternative sites
- Cons
 - Eastern Power may refuse to commence discussions
 - OPA advises that Eastern Power is likely to continue construction while discussion is ongoing unless they receive an incentive to stop
 - May need to revert to other options at a later stage

Options Considered by the OPA

3. **Legislation**

- The contract could be cancelled by legislation that would include provisions expressly terminating the contract, immunizing the Crown and the OPA from law suits arising from termination of the contract and addressing types of and mechanisms to determine compensation
- **Pros**
 - Allows Government to control the compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)
- **Cons**
 - Will be controversial and requires time to enact
 - Eastern Power could commence law suit before legislation is enacted, although legislation could ultimately preclude liability and damages
 - Has a potential impact on investment climate

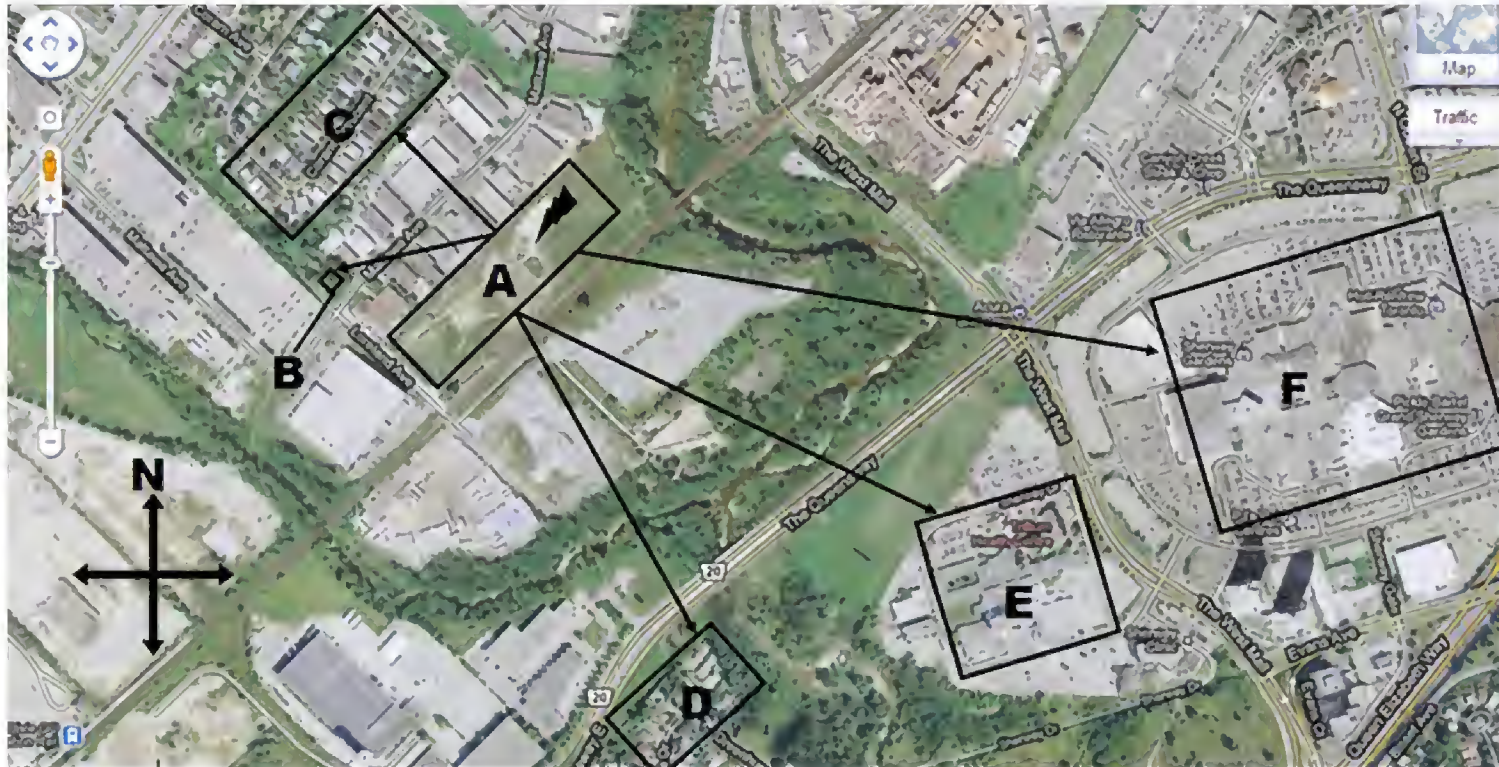
Options Considered by the OPA

4. **Pay the plant not to run**

- The OPA advises that the plant could be constructed but the developer could be directed to not operate it, using contractual provisions that give the OPA this authority.
- Pros
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
- Cons
 - Will be difficult to convince community that plant will not operate

Legal Issues

- Any discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA to terminate the contract or commence discussions with Eastern Power may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before completing a settlement with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under trade law if this project does not proceed.



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: October-21-11 7:32 PM
To: 'Jennings, Rick (ENERGY)'
Cc: 'Silva, Joseph (ENERGY)'
Subject: RE: Eastern Power

Great Rick,

We will most certainly be asked by the SOC for more details on who is behind Eastern and their Financiers so any and all information would be helpful.

David

From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 5:36 PM
To: Lindsay, David (ENERGY)
Subject: Eastern Power

David, further to our discussion I have staff researching this, spoke to Serge Imbrogno, (OEFC has two contracts with the company), and spoke to a former employee of Eastern Power. As far as can be determined Eastern Power is a privately held company with little public disclosure. The principals are two brothers Hubert Vogt and Greg Vogt. Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate. Eastern Power holds two non-utility generation contracts for landfill gas sites. These contracts are with the Ontario Electricity Financial Corporation. The contracts will be expiring over the next couple of years. Eastern Power has a law suit outstanding with the OEFC over a dispute about the price escalation it believes that it is entitled to under one of the contracts.

Fisher, Petra (ENERGY)

From: Lindsay, David (ENERGY)
Sent: October-21-11 8:07 PM
To: 'Silva, Joseph (ENERGY)'
Subject: project vapour
Attachments: Project Vapour.doc

As discussed.

Project Vapour-lock

I recommend a similar governance structure to the Vapour transaction as follows:

1. Government oversight committee (same as Vapour):

Secretary of Cabinet,
Deputy AG,
Deputy of Energy,
CEO of Infrastructure Ontario
(Could add Deputy of Finance)

2. Government technical working group (same as Vapour):

Rick Jennings (Energy)
Serge Imbrogno (Finance)
Andrew &/or Jonathan (IO)

3. Relationship between OPA and Government is also similar to the Vapour transaction.

As the OPA is the party to the original agreement they need to be involved and offer appropriate technical advice and support. However, with respect to the steps going forward they are very cautious and seem to offer process answers and legal responses pending clear direction from Government. Therefore I recommend we appoint someone from within our ranks (IO) or retain the services of an external advisor to provide the negotiation leadership based on the guidance from the Oversight committee. We keep OPA in the loop but not assume they will be able to lead the negotiations.

4. Lead Negotiator: I've asked OPA for their thoughts on possible negotiators several times and have had no suggestions. Therefore these following suggestions are internally generated:

- Rothchild Financial Advisors (David Drinkwater formerly of Ontario Hydro)
- Blair Franklin Financial Advisors (Fred Mifflin)
- Graham Brown former head of OPG

Should we not want to use the same lead on Vapour-lock as we use on Vapour then I would recommend we retain one of the above immediately.

Next steps: inform OPA that we have a letter from the Minister asking them to immediately approach the company (draft attached) and inform OPA that we have retained (or ask them to retain) the lead negotiator.

MC-2011-3933

Pitkeathly, Doreen (ENERGY)

From: Smith, Margaret (CAB)
Sent: October 21, 2011 11:49 AM
To: Longkines, Minda (ENERGY); Lindsay, Ken (ENERGY); Pitkeathly, Doreen (ENERGY)
Subject: CSU 1001831 - FYI
Attachments: 1-20005319-INCOMING_RUSH.tif; Document2.doc

(=) FYI C: RJ
R. Premier forwards hard copy to MU
resolution sent by
Mississauga Mayor
Hazel McCallion request-
ing govt take immed-
iate action to cancel
Mississauga gas plant.
S: GTA New Supply

10/21/2011

INFORMATION COPY

October 21, 2011

Her Worship Hazel McCallion, CM, LL D
Mayor
City of Mississauga
300 City Centre Drive
Mississauga, Ontario
L5B 3C1

Dear Mayor McCallion:

Thank you for your letter of October 13 providing me with a copy of council's resolution regarding the Loreland Eastern Power Plant. The views of our municipal leaders are very important to me and I appreciate your keeping me informed of council's activities.

As this issue falls under the jurisdiction of the Honourable Chris Bentley, Minister of Energy, I have sent him a copy of council's resolution. I trust that the minister will also take council's views into consideration.

Thank you again for writing. Please accept my best wishes.

Yours truly,

ORIGINAL SIGNED BY PREMIER October 21, 2011

Dalton McGuinty
Premier

c: The Honourable Chris Bentley



OFFICE OF THE MAYOR

October 13, 2011

The Honourable Dalton McGuinty
Premier of Ontario
Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

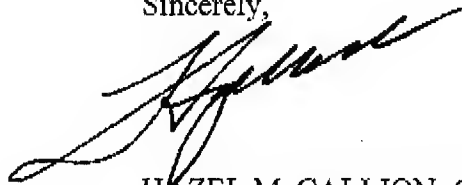
Dear Mr Premier

Re Loreland Eastern Power Plant

The Council of the Corporation of the City of Mississauga at its meeting on October 12, 2011 adopted the enclosed Resolution 00240-2011 with respect to the Loreland Eastern Power Plant

On behalf of the Members of Council, I urge you to take immediate action on your election promise to the residents of our City

Sincerely,



HAZEL McCALLION, C M , LL D
MAYOR

cc Mississauga MPPs
Southwest Etobicoke MPPs

Enc



THE CORPORATION OF THE CITY OF MISSISSAUGA
300 CITY CENTRE DRIVE, MISSISSAUGA, ON L5B 3C1
TEL 905-896 5555 FAX 905 896-5879
mayor@mississauga.ca



**RESOLUTION 0240-2011
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on October 12, 2011**

Moved by Jim Tovey

Seconded by Chris Fonseca

That the Council of The Corporation of the City of Mississauga request the Premier of Ontario to take immediate action to fulfill their election promise and cancel the contract for the Loreland Eastern Power Plant, and

That as part of the cancellation of the project, the necessary actions be taken to halt construction and return the site to its pre-construction condition, and

That this request be forwarded to the Premier of Ontario and all Mississauga and southwest Etobicoke MPPs

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 10:29 AM
To: Bergman, Mark (ENERGY)
Subject: FW: OPA Minister MN -due Tuesday
Attachments: Ministry of Energy - Transition 2011 - OPA Briefing Note - Transition Briefing Documents - FINAL.pdf; OPA Minister MN (23 Oct 2011).doc; OPA DM biweekly (oct 11 2011) REE ESTDP.doc

Importance: High

Hi Mark,
Sending this your way per Tom's out of office

From: King, Ryan (ENERGY)
Sent: October 24, 2011 10:28 AM
To: Chapman, Tom (ENERGY); MacCallum, Doug (ENERGY); Bishop, Ceiran (ENERGY); Jobe, Cedric (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY)
Cc: McKeever, Garry (ENERGY); Norman, Jonathan (ENERGY)
Subject: OPA Minister MN -due Tuesday
Importance: High

Unrelated content removed

Unrelated content removed

- Unrelated content removed

- Greenfield South Gas Plan (ESTDP)

Unrelated content removed

- Unrelated content removed

From: Dunning, Rebecca (ENERGY)
Sent: October 21, 2011 8:39 PM

To: King, Ryan (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY)

Cc: Teixeira, Wanda (ENERGY); Wilson, Betty (ENERGY); Prithipal, Shantie (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)

Subject: MNs for Minister's meetings with agencies

Hi everyone,

Unrelated content removed

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks a lot.



Transition Briefing Documents

Ontario Power Authority

October 14, 2011

GREENFIELD SOUTH GAS PLANT

ISSUE: Greenfield South

Eastern Power began construction in June after completing project financing and being granted a building permit from the City of Mississauga for the 280-MW combined cycle plant. Prior to this, there were significant delays in the project. Public opposition to the plant over environmental concerns has been rising since construction began. The Minister of the Environment announced in June that he would conduct an updated review of environmental approvals granted by the Ministry in 2008 to assess recent developments. The review is expected this fall. During the election campaign, the Liberal Party made a campaign commitment to relocate the plant if re-elected. Construction at the site is well advanced.

Recommendation

- The government should advise OPA on intended next steps for the Greenfield South plant.
- Based on the above, the OPA should provide advice to government on options that address contract management issues as well as the development of a process for siting electricity infrastructure that takes into account issues such as setbacks and community engagement.

Background

The Greenfield South plant is a 280-MW natural gas combined cycle natural gas-fired generating station. The contract was negotiated by the Ministry of Energy and signed by OPA in 2005. The contract is one of the five contracts that resulted from the 2,500 MW Clean Energy Supply RFP initiated by the Ministry of Energy in 2004 as part of the coal shut-down policy. The plant, which is about half the size of the Portlands Energy Centre near downtown Toronto, is designed to operate only when its power is needed. It is expected to operate about 10 to 45 percent of the time. At full capacity, it will be capable of producing enough power for 250,000 homes.

There has been a long delay between the awarding of the contract and plant construction, which got underway in June 2011. The delay was largely due to lengthy environmental approval and municipal permitting processes. Because of the long delay, the public's impression was that the plant would never get built. Now that construction is underway, there has been growing community opposition to the plant.

The project completed its financing at the end of May. Construction at the site is well advanced and continuing. The foundation has been poured and the company has procured its most expensive equipment, including the plant turbine. The project is on track to be fully operational by September 2014, if not earlier.

Key Considerations

- The developer is fulfilling all of its requirements.
- The Minister of Environment announced review of existing environmental approvals, but this does not delay ongoing construction.

MEETING NOTE

NAME OF ORGANIZATION:

Ontario Power Authority

DATE/TIME OF MEETING:

October 13~~4~~, 2011; ~~4:00 2:15~~ pm to ~~53~~:00 pm

LOCATION OF MEETING:

Deputy's Mini Boardroom, 4th Floor, Hearst Block,
900 Bay Street

PURPOSE:

Bi-Weekly Meeting with Colin Andersen

ATTENDEES:

Ontario Power Authority (OPA):
Colin Andersen, CEO

Ministry of Energy
David Lindsay, Deputy Minister

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9. Greenfield South

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Greenfield South

- On September 24, Mississauga South Liberal candidate Charles Sousa announced that a Liberal government would stop construction of the Greenfield South plant and would work with Eastern Power to choose a new site. The announcement was backed up by the Liberal leader.
- The Ministry has begun tentative examination with OPA and others on different options around the Greenfield South Plant. Discussions are ongoing.

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Input from: Allan Jenkins
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416-325-6926

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Audrey Guillot
A/Manager, Strategic Policy
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MEETING NOTE

NAME OF ORGANIZATION: Ontario Power Authority
DATE/TIME OF MEETING: October 26, 2011
LOCATION OF MEETING: Executive Boardroom, 4th Floor, Hearst Block, 900 Bay Street

PURPOSE: Introductory Minister Meeting with OPA

ATTENDEES: Ontario Power Authority (OPA):
Colin Andersen, CEO

Ministry of Energy
The Hon. Chris Bentley, Minister of Energy

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- 
- Greenfield South Gas Plan (ESTDP)

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Input from: Allan Jenkins
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Rick Jennings
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Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-24-11 10:48 AM
To: King, Ryan (ENERGY); Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY)
Subject: Fw: Eastern Power

See attached

Sent from my BlackBerry Wireless Handheld

From: Jennings, Rick (ENERGY)
To: Lindsay, David (ENERGY)
Sent: Fri Oct 21 17:36:06 2011
Subject: Eastern Power

David, further to our discussion I have staff researching this, spoke to Serge Imbrogno, (OEFC has two contracts with the company), and spoke to a former employee of Eastern Power. As far as can be determined Eastern Power is a privately held company with little public disclosure. The principals are two brothers Hubert Vogt and Greg Vogt. Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate. Eastern Power holds two non-utility generation contracts for landfill gas sites. These contracts are with the Ontario Electricity Financial Corporation. The contracts will be expiring over the next couple of years. Eastern Power has a law suit outstanding with the OEFC over a dispute about the price escalation it believes that it is entitled to under one of the contracts.

Cayley, Daniel (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-24-11 10:51 AM
To: Imbrogno, Serge (OFA)
Cc: King, Ryan (ENERGY)
Subject: Eastern Power

Serge, further to our discussion on Friday, did you come up with anything on the "corporate structure" of Eastern Power.

Sent from my BlackBerry Wireless Handheld

Fisher, Petra (ENERGY)

From: MacCallum, Doug (ENERGY)
Sent: October-24-11 10:52 AM
To: 'Jenkins, Allan (ENERGY)'
Subject: FW: OPA Minister MN -due Tuesday
Attachments: Ministry of Energy - Transition 2011 - OPA Briefing Note - Transition Briefing Documents - FINAL.pdf; OPA Minister MN (23 Oct 2011).doc; OPA DM biweekly (oct 11 2011) REE ESTDP.doc

Importance: High Duplicate attachments removed

Allan: please prepare the Unrel
ated and Greenfield South portions of the MN.

Doug

From: King, Ryan (ENERGY)
Sent: October 24, 2011 10:28 AM
To: Chapman, Tom (ENERGY); MacCallum, Doug (ENERGY); Bishop, Ceiran (ENERGY); Jobe, Cedric (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY)
Cc: McKeever, Garry (ENERGY); Norman, Jonathan (ENERGY)
Subject: OPA Minister MN -due Tuesday
Importance: High

The Minister is meeting with OPA on Wednesday. I've attached the OPA's transition material and put together a note template that highlights the key discussion items. For ease I've also attached the most recent OPA note for material. Please provide for Tuesday morning. Agenda items below

Unrelated content removed

- Greenfield South Gas Plan (ESTDP)

Unrelated content removed

From: Dunning, Rebecca (ENERGY)

Sent: October 21, 2011 8:39 PM

To: King, Ryan (ENERGY); Krstev, Viki (ENERGY); Collins, Jason R. (ENERGY)

Cc: Teixeira, Wanda (ENERGY); Wilson, Betty (ENERGY); Prithipal, Shantie (ENERGY); Silva, Joseph (ENERGY); Kulendran, Jesse (ENERGY)

Subject: MNs for Minister's meetings with agencies

Hi everyone,

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Thanks a lot.

Cayley, Daniel (ENERGY)

From: Silva, Joseph (ENERGY)
Sent: October-24-11 11:05 AM
To: Perun, Halyna N. (ENERGY)
Subject: FW: Draft transition deck - take 2 1/2
Attachments: Greenfield South Construction Transition Oct 21 2011 (2).ppt

From: Calwell, Carolyn (ENERGY)
Sent: October 21, 2011 5:39 PM
To: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: FW: Draft transition deck - take 2 1/2

Thank you, Rick.

For what it's worth, it would be preferable to refer to "resolution" (or something along those lines – instead of "settlement") in the 4th bullet of the Legal Issues slide because settlement implies litigation, which we hope to avoid. I made that change in the attached.

Carolyn

From: Jennings, Rick (ENERGY)
Sent: October 21, 2011 5:27 PM
To: Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
Subject: RE: Draft transition deck - take 2

Attached are my edits –

Clarification of 2nd and 3rd bullets on Background
Update of 3rd bullet on considerations page
Correction of 4th bullet on Legal Issues page.

From: Calwell, Carolyn (ENERGY)
Sent: October 21, 2011 4:54 PM
To: Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY); Jennings, Rick (ENERGY)
Subject: Draft transition deck - take 2

Confidential/Solicitor-Client Privileged

Joseph, thank you for taking the time to talk to me about the content of the deck. I have revised the last version that you saw to include the options considered by the OPA. I modified the pros and cons outlined in the OPA's deck in minor ways.

Rick/Ryan, this deck talks about alternate sites – you may want to change or modify these points.

Carolyn

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Greenfield South Generating Station

Date: October 21, 2011

Present Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- The recent construction of condominium towers in the general area has prompted a policy reconsideration of the location of the gas plant.

Background

- This project is a 280 MW combined cycle gas-fired generation station.
- In 2004, the Ministry of Energy launched a competitive request for proposals for gas-fired generation in Ontario.
- In April 2005, Eastern Power was selected along with three other gas-fired projects. These projects were assigned to the OPA and the OPA entered into a contract with the project developer, Greenfield South Power Corporation (controlled by Eastern Power Corporation).
 - The Province is not a party to the contract
- The project suffered delays in securing approvals for constructing the project.
- The contract was amended in March 2009 to reflect these delays.
- The project has now received all required provincial and municipal approvals, including its Environmental Assessment, Certificates of Approval and building permit.
- Construction of the project is underway and continues.
- The contract requires the project to be in commercial operation by September 1, 2014.

Considerations

- The OPA has advised that it has no right under the contract to terminate in the current circumstances.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not enter into discussions with the OPA until there is clear notice of the Government's position.
- The identification of potential alternative site options has not yet been completed. Each of these alternative sites have various issues associated with them.

Options Considered by the OPA

1. **Unilateral termination of contract**

- OPA would inform Eastern Power that it will not perform its obligations under the contract
- **Pros**
 - Eastern Power will be required to begin to mitigate its damages, and should stop construction, and the OPA will avoid damages for Eastern Power's additional costs that could have been avoided after date of termination of contract
- **Cons**
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counterparties

Options Considered by the OPA

2. **Negotiation (recommended)**

- OPA or designated negotiator could commence negotiations with Eastern Power regarding stopping construction and developing a new location for a different facility
- Pros
 - Provides the opportunity to assess position of Eastern Power and what it requires to cease construction and end the contract
 - Could consider alternative sites
- Cons
 - Eastern Power may refuse to commence discussions
 - OPA advises that Eastern Power is likely to continue construction while discussion is ongoing unless they receive an incentive to stop
 - May need to revert to other options at a later stage

Options Considered by the OPA

3. **Legislation**

- The contract could be cancelled by legislation that would include provisions expressly terminating the contract, immunizing the Crown and the OPA from law suits arising from termination of the contract and addressing types of and mechanisms to determine compensation
- **Pros**
 - Allows Government to control the compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)
- **Cons**
 - Will be controversial and requires time to enact
 - Eastern Power could commence law suit before legislation is enacted, although legislation could ultimately preclude liability and damages
 - Has a potential impact on investment climate

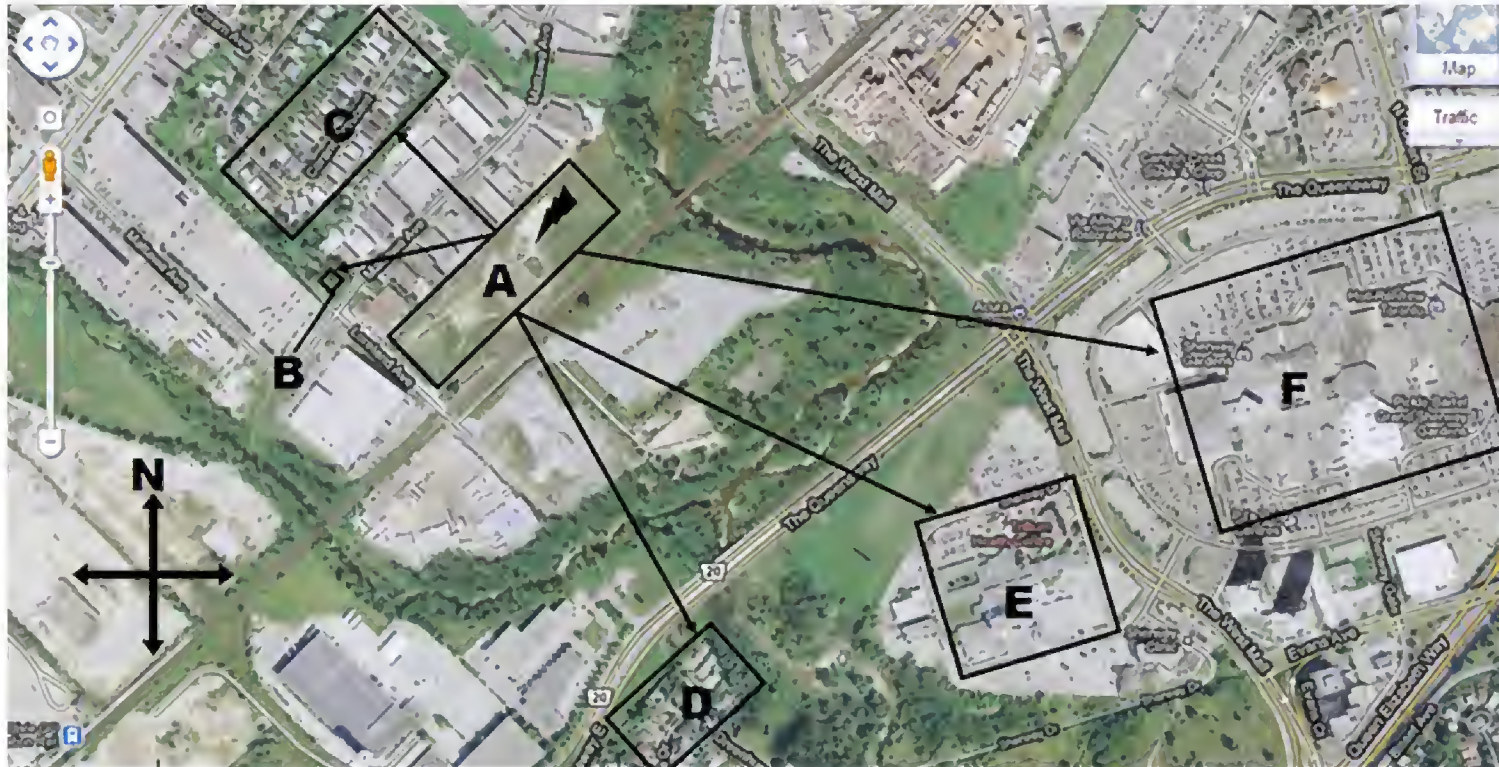
Options Considered by the OPA

4. **Pay the plant not to run**

- The OPA advises that the plant could be constructed but the developer could be directed to not operate it, using contractual provisions that give the OPA this authority.
- Pros
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
- Cons
 - Will be difficult to convince community that plant will not operate

Legal Issues

- Any discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA to terminate the contract or commence discussions with Eastern Power may be contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before reaching a resolution with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under trade law if this project does not proceed.



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Fisher, Petra (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-24-11 11:10 AM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Subject: FW: Draft transition deck - take 2 1/2
Attachments: Greenfield South Construction Transition Oct 21 2011 (2).ppt

Duplicate Attachment Deleted

This is the deck for the briefing - that will inform you

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
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E-mail: Halyna.Perun2@ontario.ca

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From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 11:05 AM
To: Perun, Halyna N. (ENERGY)
Subject: FW: Draft transition deck - take 2 1/2

From: Calwell, Carolyn (ENERGY)
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To: Jennings, Rick (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Cc: Perun, Halyna N. (ENERGY)
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Cc: Perun, Halyna N. (ENERGY)
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Fisher, Petra (ENERGY)

From: Perun, Halyna N. (ENERGY)
Sent: October-24-11 11:11 AM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); King, Ryan (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: note re plant
Attachments: Greenfield South BN LSB Oct 19-11 for DMLindsay.doc

What was sent to the Deputy – more detail – will be of help to James and Paul (I hope)

Halyna

Halyna N. Perun
A/Director
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Ministries of Energy & Infrastructure
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From: Perun, Halyna N. (ENERGY)
Sent: October 19, 2011 4:37 PM
To: Lindsay, David (ENERGY)
Cc: Jennings, Rick (ENERGY); Calwell, Carolyn (ENERGY); Silva, Joseph (ENERGY); King, Ryan (ENERGY)
Subject: note re plant

Privileged and Confidential

David – This note outlines the legal issues with the contemplated option and sets out the alternative options (building on what's in the OPA deck) for your ease of reference. We'd be happy to review it with you.

Also, Mike Lyall left me a message asking about the status of the deck going to Cabinet. From the call it seems to me that the OPA is thinking that their revised deck is what will be used tomorrow. I'd like to let him know that it was helpful for us to have their deck but that the Ministry was asked to create a slimmer product.

Halyna

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Confidential and Solicitor-Client Privileged

Ministry of the Attorney General

Briefing Note

Legal Services Division

Legal Services Branch – ENE/MOI

ISSUE:

- Greenfield South Gas Generating Plant in Mississauga
- It is proposed that the Ministry of Energy work with the Ontario Power Authority (OPA) to enter into discussions with Greenfield South Power Corporation (controlled by Eastern Power Corporation, referred to as “Eastern Power”) towards a satisfactory resolution of the Mississauga site

BACKGROUND

- Eastern Power is developing the Greenfield South Generating Station, a 280 MW combined cycle natural gas plant under construction in the City of Mississauga on a 4.5 hectare property at 2315 Loreland Avenue.
- The project arose out of a Ministry of Energy Clean Energy Supply (CES) procurement process in 2004. This contract was eventually assumed by the OPA.
- The project was undertaken to meet local reliability needs for the Southwest and Western GTA and has been positioned as part of the coal closure strategy.
- The plant is 200 metres from the nearest residence, 700 metres from the nearest hospital and 1.1 km from the nearest school.
- The project is strongly opposed by local residents. On October 12, 2011, the Mississauga Council passed a motion requesting that the government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition.
- In 2007, the Ontario Municipal Board reviewed and approved of the zoning of the project site after a lengthy and protracted process.
- In 2008, Ministry of Environment (MOE) granted all necessary environmental approvals.
- In March 2011, OPA renegotiated the initial Commercial Operation Date (C.O.D.) with Eastern Power, in recognition of lengthy regulatory approvals and financing delays experienced by Eastern Power. The new Milestone Date for Commercial Operation, when the plant is required to be fully operational, is September 1, 2014.
- In May 2011, Eastern Power finalized its financing arrangements with Credit Suisse and EIG. Around that time, the City of Mississauga issued building permits for the construction at the site.

- In June 2011, MOE announced that it will conduct an updated review of the approval for the gas plant to assess recent developments. No end-date was set for this process.
- In July 2011, Eastern Power reported that it had laid foundations for the steam and gas turbine halls and placed orders for the major equipment (generators, turbines, etc.).
- Construction continues at the site. Eastern Power has informed the OPA that it will not “down tools” until it receives formal notification of next steps.
- Next steps would require the OPA to be asked to approach Eastern Power to initiate discussions.
 - The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.

DISCUSSION:

- Discussion with Eastern Power may not be successful and could require the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
 - Such a discussion will signal repudiation of the contract, which gives Eastern Power the right to sue the OPA.
- The Minister's request of the OPA may be found to be contractual interference and may attract liability to the Province.
 - Eastern Power could claim that the Crown induced the OPA's breach of contract where Eastern Power can show: 1) that the Crown knew about the contract; 2) the Crown's action was intended to cause the OPA to breach the contract; 3) the Crown's action caused the OPA to breach the contract; and 4) Eastern Power suffered damages as a result.
- The OPA may ask for a “direction” from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
 - The *Electricity Act, 1998* gives the Minister of Energy the authority to issue directions and directives to the OPA, which the OPA must follow.

- Under s.25.30(2), the Minister may issue, and the OPA shall follow in preparing its integrated power system plans, directives that have been approved by the Lieutenant Governor in Council that set out the goals to be achieved during the period to be covered by an integrated power system plan, including goals relating to,
 - (a) the production of electricity from particular combinations of energy sources and generation technologies;
 - (b) Increases in generation capacity from alternative energy sources, renewable energy sources or other energy sources;
 - (c) the phasing-out of coal-fired generation facilities; and
 - (d) the development and implementation of conservation measures, programs and targets on a system-wide basis or in particular service areas.
 - Under s.25.32(4.1), the Minister may direct the OPA to undertake any request for proposal, any other form of procurement solicitation or any other initiative or activity that relates to,
 - (a) the procurement of electricity supply or capacity derived from renewable energy sources;
 - (b) reductions in electricity demand; or
 - (c) measures related to conservation or the management of electricity demand.
 - Under s.25.32(7), the OPA shall enter into any contract following a procurement solicitation or other initiative referred to in clause (4)
 - (a) [transition provision] if directed to do so by the Minister of Energy, and that contract shall be deemed to be a procurement contract that was entered into in accordance with any integrated power system plan and procurement process approved by the [Ontario Energy] Board.
- The Minister could likely rely on certain of these authorities to direct the OPA to enter into *negotiations* with Eastern Power but if the result is termination of the contract then none of these authorities unambiguously allows the Minister to direct the OPA to terminate a contract.
- Eastern Power's financiers may have a trade-related (e.g. NAFTA) claim if this project does not proceed.
 - An investor could allege treatment less favourable than that accorded to investments of other investors or could allege arbitrary and unfair application of government (including OPA) measures.
- Eastern Power's claim to damages is not clear. The contract limits liability for certain types of damages, including lost profits. The contract also provides for

damages for discriminatory action (e.g. legislation, regulation, or OIC that detrimentally affects Eastern Power). The enforceability of these provisions is not certain in these circumstances.

ALTERNATIVES CONSIDERED

Option 1 – Legislation

- The contract could be cancelled by legislation that would include provisions such as:
 - A provision expressly terminating the agreement;
 - A provision immunizing the Crown and the OPA from any and all lawsuits arising from the cancellation of the agreement
 - If desired, a provision addressing the types of compensation that will be provided and a mechanism (such as arbitration) for determining compensation, or alternatively stipulating that no compensation at all will be provided.
 - As the courts interpret these types of provisions very restrictively, the legislation would have to be drafted very carefully and be very clear and explicit.
 - Precedent: *Adams Mine Lake Act, 2004*
 - Pros
 - Allows Government to control level of compensation to be paid
 - Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)
 - Cons
 - Will be controversial and requires time to enact
 - Developer could bring law suit in the interim, though legislation could ultimately preclude liability and damages and address other issues under the contract, such as the discriminatory action clause
 - Potential impact on investment climate

Option 2 – Regulatory

- Existing regulatory approvals could be revoked or other regulatory steps could be taken to terminate the project
 - Pros
 - Eastern Power is subject to a Certificate of Approval under the *Environmental Protection Act*. Technically, approvals can be amended or revoked if legally justified.
 - Cons
 - Any revocation or other regulatory actions would be subject to appeal or judicial review. The Ministry of Environment would be required to demonstrate an environmental justification for the action

in order to successfully defend the challenge. No apparent environmental basis for action at this point.

- If such a challenge was successful, Eastern Power may initiate a civil action in tort against the Crown.
- Eastern Power may also seek a remedy against the OPA under the terms of the contract under the discriminatory action clause.

Option 3 – Negotiation (recommended)

- The OPA could attempt to commence negotiations with Eastern Power regarding stopping construction and developing a new location for a different facility.
 - Pros
 - OPA has the opportunity to assess position of Eastern Power and its interests in stopping construction.
 - OPA can begin discussion of a new site.
 - Cons
 - Eastern Power may refuse to commence discussions or seek to drag on discussions while it continues to construct the plant.

Option 4 – Unilateral termination of contract

- The OPA would inform Eastern Power that it will not perform its obligations under the contract
 - Pros
 - Eastern Power will be required to begin to mitigate its damages which means it should stop construction and the OPA will avoid damages for Eastern Power's additional costs that could have been avoided after the date of termination of contract
 - Cons
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counterparties

Option 5 – Pay the plant not to run

- Allow plant to be constructed but ensure that it does not operate using contractual provisions related to directed dispatch.
 - Pros
 - OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant not to operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits
 - Cons
 - Will be difficult to convince community that plant will not operate

Date: October 19, 2011

Prepared by: Carolyn Calwell Deputy Director
Legal Service Branch
Ministry of Energy/Ministry of Infrastructure
(416) 212-5409

Approved by: Halyna Perun, A/Director
Legal Service Branch
Ministry of Energy/Ministry of Infrastructure
(416) 325--6681

Fisher, Petra (ENERGY)

From: Tully, Keegan (ENERGY)
Sent: October-24-11 11:14 AM
To: King, Ryan (ENERGY)
Cc: MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Eastern Power
Attachments: Information on Eastern Power.doc

Hi Ryan,

Here is some information I found on Eastern Power on the web. Let me know if you need me to look for anything else.

Keegan

Keegan Tully

Advisor, Energy Supply
Energy Supply and Competition Branch
Ontario Ministry of Energy
416-325-6881
Keegan.Tully@Ontario.ca

Information on Eastern Power

- Eastern Power Ltd. is a privately-owned company founded in 1985.
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.
- Eastern Power has two landfill gas NUG contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering.
- Eastern Power sued Ontario Electricity Financial Corporation (Ontario Hydro) for \$121 million in 2007-08 over a dispute about the Keele Valley contract.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.

Cayley, Daniel (ENERGY)

From: Calwell, Carolyn (ENERGY)
Sent: October-24-11 11:21 AM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Mississauga decision tree

Will do.

From: Perun, Halyna N. (ENERGY)
To: Calwell, Carolyn (ENERGY)
Sent: Mon Oct 24 11:12:01 2011
Subject: RE: Mississauga decision tree

Thanks Carolyn – if you could check in with Ryan at your break that would be helpful –

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

Notice

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From: Calwell, Carolyn (ENERGY)
Sent: October 24, 2011 11:09 AM
To: Perun, Halyna N. (ENERGY)
Subject: Re: Mississauga decision tree

Let me know how I can help.

Carolyn

From: Perun, Halyna N. (ENERGY)
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Sent: Mon Oct 24 11:03:53 2011
Subject: FW: Mississauga decision tree

Hi – I will need your help on this as Carolyn is away at a forum and I am going into briefings.

I will send you further info asap

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
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From: Silva, Joseph (ENERGY)
Sent: October 24, 2011 11:02 AM
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Subject: Mississauga decision tree
Importance: High

Hi everyone,

PO/CO would like to send the letter out today. In order to facilitate Minister review and possibly signature today, Craig would like to see a "decision tree" type document setting out what could happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
Joseph

Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Rehob, James (ENERGY)
Sent: October-24-11 11:25 AM
To: Perun, Halyna N. (ENERGY); Johnson, Paul (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: RE: Mississauga decision tree

Yes, I'm working with Ryan on this – Ryan will send his first draft and we will take it from there. Thanks!
James

From: Perun, Halyna N. (ENERGY)
Sent: October 24, 2011 11:04 AM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY)
Cc: Calwell, Carolyn (ENERGY)
Subject: FW: Mississauga decision tree
Importance: High

Hi – I will need your help on this as Carolyn is away at a forum and I am going into briefings.

I will send you further info asap

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
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Executive Assistant (A) to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-24-11 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

Begin forwarded message:

From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>
Subject: RE: Eastern Power

What we have found internally is a GHG emissions report from Eastern Power in 2005 where it states that "Eastern Power is a private, Canadian-owned, Ontario-based corporation with its corporate administrative offices in Toronto."

The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

Serge

From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
To: Serge Imbrogno
Subject: Re: Eastern Power

There isn't a lot on the web-besides that they own keele valley and brock west. Ken always describes it as the two voigt brothers are the owners. We likely have more in the files at the office in legal but they might be almost impossible to get until monday.

Sent using BlackBerry

From: Serge Imbrogno
To: Sandy Roberts
Cc: Sam Colalillo
Sent: Fri Oct 21 17:06:15 2011
Subject: Eastern Power

Hi Sandy,

Do we have anything on Eastern Power's Corporate structure? I'm assuming we have this information from the lawsuit. I told Rick I would get back to him asap.

Serge

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Fisher, Petra (ENERGY)

From: Jennings, Rick (ENERGY)
Sent: October-24-11 11:38 AM
To: McKeever, Garry (ENERGY)
Cc: King, Ryan (ENERGY)
Subject: Re: Mississauga decision tree

Letter is from Minister to the OPA to ask them to begin discussions with Eastern to reach a resolution on the site.

Sent from my BlackBerry Wireless Handheld

From: McKeever, Garry (ENERGY)
To: Jennings, Rick (ENERGY)
Cc: King, Ryan (ENERGY); Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY)
Sent: Mon Oct 24 11:23:19 2011
Subject: RE: Mississauga decision tree

What will the OPA letter say?

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:11 AM
To: King, Ryan (ENERGY); Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Cc: Silva, Joseph (ENERGY)
Subject: Fw: Mississauga decision tree
Importance: High

See attached, I assume Carolyn has the lead from Legal on this but we will have to provide input.

I assume by "decision tree" they mean upon receipt of the letter OPA contacts Eastern Power which then can:

- 1) Agree to start discussions and either continue construction or cease construction.
- 2) Agree to start discussions but limit to a monetary settlement, ask for exceptionally high settlement etc., again can be tied to ceasing construction or not.
- 3) Refuse to enter into discussions and launch a lawsuit

Sent from my BlackBerry Wireless Handheld

From: Silva, Joseph (ENERGY)
To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:01:47 2011
Subject: Mississauga decision tree

Hi everyone,

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happen after we send out the letter. He would like Communications lens on each step (messaging, etc).

Halyna – can you guys take the lead on this, with input from Rick and Rula? Let's chat over the phone. We'll need a draft early afternoon. I think we've got the thinking already, just need to organise and put on paper.

Many thanks
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Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy
Hearst Block 4th Flr, 900 Bay St Toronto ON M7A 2E1
Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-24-11 11:44 AM
To: Tully, Keegan (ENERGY)
Cc: MacCallum, Doug (ENERGY)
Subject: RE: Eastern Power

Thanks Keegan.. OFA are going to send me the briefing note they gave to the OEFC updating them on this case. Should be available soon. They said the case was still being worked on, which is consistent with your info.

From: Tully, Keegan (ENERGY)
Sent: October 24, 2011 11:41 AM
To: McKeever, Garry (ENERGY)
Subject: Eastern Power

Hi Garry,

Here is an excerpt from an appeal from 2010. The original decision is from 2008. The appeal focused on the one claim Eastern won and the appeal decided in favour of Eastern. It looks like another case to decide on the issue may be coming in the future.

Excerpt:

In 1998, Eastern Power sued Ontario Hydro, claiming that it committed numerous breaches of the power purchase agreement. The trial took 23 days. In a thorough and well-reasoned decision, Bellamy J. dismissed all of Eastern Power's claims save one: a claim for an "inter-area transmission credit". The trial judge concluded that Ontario Hydro breached the power purchase agreement by failing to include a component for inter-area transmission in the rates it paid to Eastern Power. However, the trial judge declined to award any damages for this breach of contract because she concluded that she had no reliable and credible evidence from which to calculate those damages. She went on to say that, if she were wrong, she would award nominal damages of \$5 million, inclusive of interest to the date of judgment, and a pro-rated amount for the remainder of the contract.

Keegan Tully
Advisor, Energy Supply
Energy Supply and Competition Branch
Ontario Ministry of Energy
416-325-6881
Keegan.Tully@Ontario.ca

Cayley, Daniel (ENERGY)

From: King, Ryan (ENERGY)
Sent: October-24-11 11:46 AM
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: RE: Fwd: Eastern Power
Attachments: Eastern Power BN.doc

Eastern Power profile for review. Please let me know of any edits.

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

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From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>
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The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

Serge

From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
To: Serge Imbrogno
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Sent using BlackBerry

From: Serge Imbrogno
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Cc: Sam Colalillo
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Brief: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
Toronto, ON
M8V 3Y3

Company Profile

- Eastern Power Ltd. is a privately-owned company founded in 1985. Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area.
- Greg Vogt is the president of Eastern Power.
- Hubert Vogt is vice-president of Eastern Power.
- Dr. Bruce E. Holbein is the public face of the company's involvement in Greenfield South.

Projects/Background

- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering.
- Eastern Power sued Ontario Electricity Financial Corporation (OEFC) (NUG contract holder) for \$121 million in 2007-08 over a dispute about the Keele Valley contract.
- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.
- Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate.
- Greenfield South Power Corporation, together with its affiliate Eastern Power Limited, is developing the Greenfield South Power Plant.

Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-24-11 12:06 PM
To: King, Ryan (ENERGY); Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); Tully, Keegan (ENERGY)
Subject: RE: Fwd: Eastern Power

We will be adding a brief note on the ongoing lawsuit with the OEFC – ready shortly

From: King, Ryan (ENERGY)
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Cayley, Daniel (ENERGY)

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Sent: October-24-11 12:25 PM
To: King, Ryan (ENERGY)
Subject: Re: Fwd: Eastern Power

Please send up to DMO once legal case from Garry is added.

Sent from my BlackBerry Wireless Handheld

From: King, Ryan (ENERGY)
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Sent: Mon Oct 24 11:45:35 2011
Subject: RE: Fwd: Eastern Power

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Sent: October 24, 2011 11:34 AM
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From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>

Cc: Sam Colalillo <Sam.Colalillo@ofina.on.ca>

Subject: RE: Eastern Power

What we have found internally is a GHG emissions report from Eastern Power in 2005 where it states that "Eastern Power is a private, Canadian-owned, Ontario-based corporation with its corporate administrative offices in Toronto."

The 2008 Court decision with respect to Keele Valley states that Hubert Vogt is the vice president of Eastern Power. Greg Vogt is the president of Eastern Power. Previously Herman Walter had been the president.

Eastern Power owns and operates Keele Valley and Brock West Landfill Gas facilities.

Ken is away until next week and Sarah in legal has been unable to find any additional information, to this point.

Hopefully this is helpful,
sandy

From: Serge Imbrogno
Sent: Monday, October 24, 2011 10:52 AM
To: Sandy Roberts
Cc: Sam Colalillo
Subject: RE: Eastern Power

You were able to get more detail on this?

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From: Sandy Roberts
Sent: Friday, October 21, 2011 10:56 PM
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There isn't a lot on the web-besides that they own keele valley and brock west. Ken always describes it as the two voigt brothers are the owners. We likely have more in the files at the office in legal but they might be almost impossible to get until monday.

Sent using BlackBerry

From: Serge Imbrogno
To: Sandy Roberts
Cc: Sam Colalillo
Sent: Fri Oct 21 17:06:15 2011
Subject: Eastern Power

Hi Sandy,

Do we have anything on Eastern Power's Corporate structure? I'm assuming we have this information from the lawsuit. I told Rick I would get back to him asap.

Serge

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Fisher, Petra (ENERGY)

From: Jenkins, Allan (ENERGY)
Sent: October-24-11 12:26 PM
To: Lolos, Katerina (ENERGY)
Subject: RE: Priority Supply Issue (Greenfield) Deck
Attachments: Greenfield South Construction Oct 20 2011 LSB ESTDP (v6).ppt; Greenfield South Options.pdf

This is the latest version I have – there may be later versions. I've also attached the OPA briefing deck in case Gary doesn't have it.

From: Lolos, Katerina (ENERGY)
Sent: October 24, 2011 11:42 AM
To: Jenkins, Allan (ENERGY)
Subject: Priority Supply Issue (Greenfield) Deck

Allan, did you work on this deck? If you have, do you mind sending me the updated version?

Thank you,

Katerina Lolos

Adm. Assistant to Garry McKeever

Ministry of Energy
880 Bay Street, 3rd Floor, Toronto, ON M7A 2C1
Direct 416.325.6586 | Fax 416.325.7023
Katerina.lolos@ontario.ca

THIS MESSAGE IS ONLY INTENDED FOR THE USE OF THE INTENDED RECIPIENT(S) AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, PROPRIETARY AND/OR CONFIDENTIAL. If you are not the intended recipient, you are hereby notified that any review, retransmission, dissemination, distribution, copying, conversion to hard copy or other use of this communication is strictly prohibited. If you are not the intended recipient and have received this message in error, please notify me by return e-mail and delete this message from your system. Ministry of Energy.



Greenfield South Options

October 20, 2011

Privileged and Confidential – Prepared in Contemplation of Litigation

Background

- Greenfield South Power Corporation ("Greenfield") and the OPA entered into a contract on 12 April 2005
- Greenfield is controlled by Eastern Power Corporation
- Contract was amended on 16 March 2009
- Reason for amendment was long delays project suffered in securing necessary approvals to construct the project and to do away with the oil-fired option for fuelling the plant
- OPA and Province also motivated in part to keep project alive by low cost to ratepayers of project established in the competitive RFP process in 2004/2005
- In May 2011 Greenfield achieved financial close, securing debt financing from Credit Suisse and EIG for \$550 million

Contract Facility

- The Contract Facility is an approximately 300 MW combined cycle gas-fired generation station
- Major components of facility include a GE 7FA gas turbine (“GT”) a heat recovery steam generator (“HRSG”) and a steam turbine
- All major items for the project are completed
- Construction began in June 2011 and is approximately x% complete now
- The Milestone Date for Commercial Operation is September 1, 2014

Contract Facility

- The total dollar value of capital expenditures ("CAPEX") for the facility are between \$250 - \$350 million
- Gas and electrical interconnection work has not yet commenced
- Total estimated sunk and committed costs are on the neighbourhood of \$x million
- We estimate the profits from the contract, excluding any residual value, are approximately \$x million

Moving Greenfield South does not result in immediate unreliability, but accelerates the need for Tx solutions

- Planning studies indicate that transmission reinforcement in west GTA could be required 2 years earlier, as early as 2018, if Greenfield South is not located within west GTA
- These need dates are based on assumptions associated with the LTEP and current reliability criteria, which are likely to evolve
- The transmission reinforcements are extensive in scope and require the immediate initiation of planning and development work with local utilities, the IESO and transmitters

Siting Options - There are several alternative site options

Some deliver more value than others with different levels of complexity

- Considerations
 - Value of Location, Gas Availability, Transmission, Counterparty
- There may be a system need starting in 2016 to 2018
- Regional needs include:
 - Northwest System
 - Cambridge
 - GTA
- Some sites have gas available in varying quantities
- Examples of potential sites :
 - OPG (Lennox, Nanticoke (some gas there now), Thunder Bay (pipeline required))
 - NUGs (TCPL compressor sites, Trans Alta Pearson Airport, Whitby, Fort Frances(was on gas now on BIO))
 - Portlands, Goreway
- Some arrangements could be more straight forward or more complicated depending on the counterparty.

Key Contractual Provisions

- Grounds for termination of contract limited to certain types of breach and extended force majeure (none of which applicable here)
- Contract excludes liability for certain types of damages including loss of profits
- Contract provides right to damages including lost profits for discriminatory action (legislation or regulation passed) where impact focused on contract counter-party
- Damages for discriminatory action determined through arbitration process
- All other disputes only go to arbitration if both parties agree

Payment Under Contract

- Once plant in commercial operation, generator is paid monthly capacity payment to cover its costs and profit
- Monthly payment reduced by amount generator is deemed to earn in the market selling electricity
- This reduction is calculated using formula to determine when it is economic for generator to be generating electricity
- OPA may also direct the plant operator to dispatch or not dispatch its facility at specified dates and times

Option 1- Contract Termination

- Unilateral termination of contract – OPA informs contract counter-party that it will not perform its obligations under the contract
 - Pros:
 - » Greenfield South will be required to begin to mitigate its damages which means they should stop construction (or at the very least, the OPA will not likely be liable for those additional costs that could have been avoided after date of termination of contract)
 - Cons:
 - » Does not provide opportunity to explore options for relocating project
 - » Sends negative message to other OPA counter-parties

Option 2 - Legislation

- Legislation passed to terminate the contract, set compensation or provide a process and methodology for determining compensation

– Pros:

- » Allows Government to control level of compensation to be paid
- » Government can specify that no compensation will be paid for costs incurred past certain date (e.g. announcement of Government's policy or date of first reading)

– Cons:

- » Will be controversial
- » Potential impact on investment climate

Option 3 - Negotiation

- OPA attempts to commence negotiations with Greenfield South re stopping construction and new location for facility
 - Pros:
 - » OPA has opportunity to assess position of Greenfield South and what they are seeking to agree to stop construction
 - » OPA can begin discussion of alternative sites
 - Cons:
 - » Greenfield South may refuse to commence discussions or seek to drag discussions on while it continues to construct plant
 - » May need to revert at some stage to other options

Option 4 - Pay Plant Not to Run

- Allow plant to be constructed but ensure it does not operate using directed dispatch mechanism in contract

– Pros:

» OPA obligations to make monthly payments are low based on outcome of 2005 RFP process and paying plant to not operate over 20 years may be cheaper than paying for sunk costs, remediation of the site and potentially some lost profits

– Cons:

» Will be difficult to convince community that plant will not operate

Recommendation

- OPA to commence negotiations with Greenfield South (Option 3)
- If negotiations do not succeed in stopping construction of plant, will likely need to revert to one of the other options

Greenfield South Generating Station

Next Steps – Advice to Cabinet

Date: October 20, 2011

Local Context

- Local residents do not support the Greenfield South gas plant in Mississauga, which is currently under construction.
- On October 12 the Mississauga Council passed a motion requesting that the Government and the Premier take immediate action to cancel the contract, stop construction and return the site to pre-construction condition

Issues

- Construction continues at the Greenfield South site.
- The project has an enforceable contract with the Ontario Power Authority and all applicable approvals. The developer's work **appears to be** in compliance with the contract and current approvals.
- The OPA is party to and administers the contract with Eastern Power. The Province is not a party to the contract. The OPA **has advised that it has** no right under the contract to terminate **in the current circumstances**.
- The OPA has asked for instruction from government to approach the developer to begin negotiations to change or to terminate the contract.
- Eastern Power has informed the OPA that it will not 'down tools' until it receives formal notification of **next steps**.
- The identification of potential alternative site options has not yet been completed.
- **Some** local politicians have stated that the plant would not be relocated to a site in Mississauga or Toronto.

Next Steps Involve the OPA

- The OPA to be asked to approach Eastern Power to initiate discussions. The discussion would likely include potential treatment of costs incurred to date (sunk costs – including equipment costs), treatment of construction and equipment related contracts, estimates and treatment of foregone revenue, and options and Eastern's interest with respect to relocating to an alternative site.
- The OPA has made some preliminary analysis of costs and foregone revenue. **Further analysis of these costs is required and their allocation between the tax base and the rate base is required.**
- The OPA has also identified several sites that would require government **and OPA** review before being shared with Eastern Power. Each of these alternative sites have various issues associated with them.
- Eastern Power may or may not be interested in developing the proposed alternative sites, may be willing to walk away from the Mississauga plant for a financial cash settlement or may view its prospects as being better through the courts.

Immediate Legal Issues

- **Discussion with Eastern Power may not be successful and could require** the Government to consider other options (e.g. legislation).
- Initiating discussions to relocate or otherwise cancel the Mississauga plant may immediately cause Eastern Power to launch a law suit against either or both of the OPA and the Government.
- The Minister's request of the OPA may be **found to be** contractual interference and may attract liability to the Province.
- The OPA may ask for a "direction" from the Minister under the *Electricity Act, 1998* before undertaking any discussions with Eastern Power. The Minister's authority to direct the OPA in this way is unclear.
- Eastern Power's financiers may have a claim under NAFTA if this project does not proceed.

Cabinet Minute

Cabinet agreed that:

- **The Ministry of Energy to work with the Ontario Power Authority to enter into discussions with Eastern Power toward a satisfactory resolution of the Mississauga site.**
- **The Ministry of Energy to work with the Ontario Power Authority, the Ministry of Finance and the Ministry of the Attorney General to develop strategies to reach an agreement with Eastern Power.**
- The Minister of Energy to report back to Cabinet by December 2011 with the details of the discussions with Eastern Power.
- The Ministry of Energy to work with Premier's Office/Cabinet Office on a stakeholder management and communications strategy.

Appendix 1

Greenfield South Background

Key Facts About the Greenfield South Plant

- Greenfield South Power Corporation (controlled by Eastern Power Corporation) was the successful applicant in Ministry of Energy run Clean Energy Supply (CES) RFP and signed a contract with the OPA in April 2005.
- Eastern Power, based in Ontario, has received all required provincial approvals, including Environmental Assessment and Certificates of Approval.
- Eastern Power has received all required municipal approvals, including building site approval from the City of Mississauga issued in May 2011.
- Eastern Power has secured debt financing from Credit Suisse and ElG (confirmed by the OPA).



Legend:

A – Proposed Greenfield Site
B – Closest House
C – Closest Subdivision (North)
D – Closest Subdivision (South)
E – Trillium Heath Centre
F – Sherway Gardens Mall

Distance:

A to B: 220 Meters
A to C: 270 Meters
A to D: 500 Meters
A to E: 740 Meters
A to F: 910 Meters



*Plant construction as of 28 September 2011



Appendix 2

Greenfield South Background

Other Options Proposed by the OPA

- **Unilateral termination of contract**
 - **Pros**
 - Greenfield South will be required to being to mitigate its damages which means they should stop construction (or at the very least, the OPA will not likely be liable for those additional costs that could have been avoided after date of termination of contract)
 - **Cons**
 - Does not provide opportunity to explore options for relocating project
 - Sends negative message to other OPA counter-parties

Other Options Proposed by the OPA Con'd

- **Legislation**

- **Pros**

- Allows Government to control level of compensation to be paid
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 - **Pros**
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 - Will be difficult to convince community that plant will not operate

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Sent: October-24-11 12:26 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
Subject: RE: Mississauga decision tree
Attachments: Greenfield South Decision Tree.doc

Importance: High

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so what happens in each scenario and what can be said publicly.

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I have asked James and Paul to work on this – so please loop them in

Thank you

Halyna

Halyna N. Perun
A/Director
Legal Services Branch
Ministries of Energy & Infrastructure
777 Bay Street, 4th Floor, Suite 425
Toronto, ON M5G 2E5
Ph: (416) 325-6681 / Fax: (416) 325-1781
BB: (416) 671-2607
E-mail: Halyna.Perun2@ontario.ca

Notice

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From: Silva, Joseph (ENERGY)

Sent: October 24, 2011 11:02 AM

To: Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); Sharkawi, Rula (ENERGY); Jennings, Rick (ENERGY)

Subject: Mississauga decision tree

Importance: High

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Many thanks

Joseph

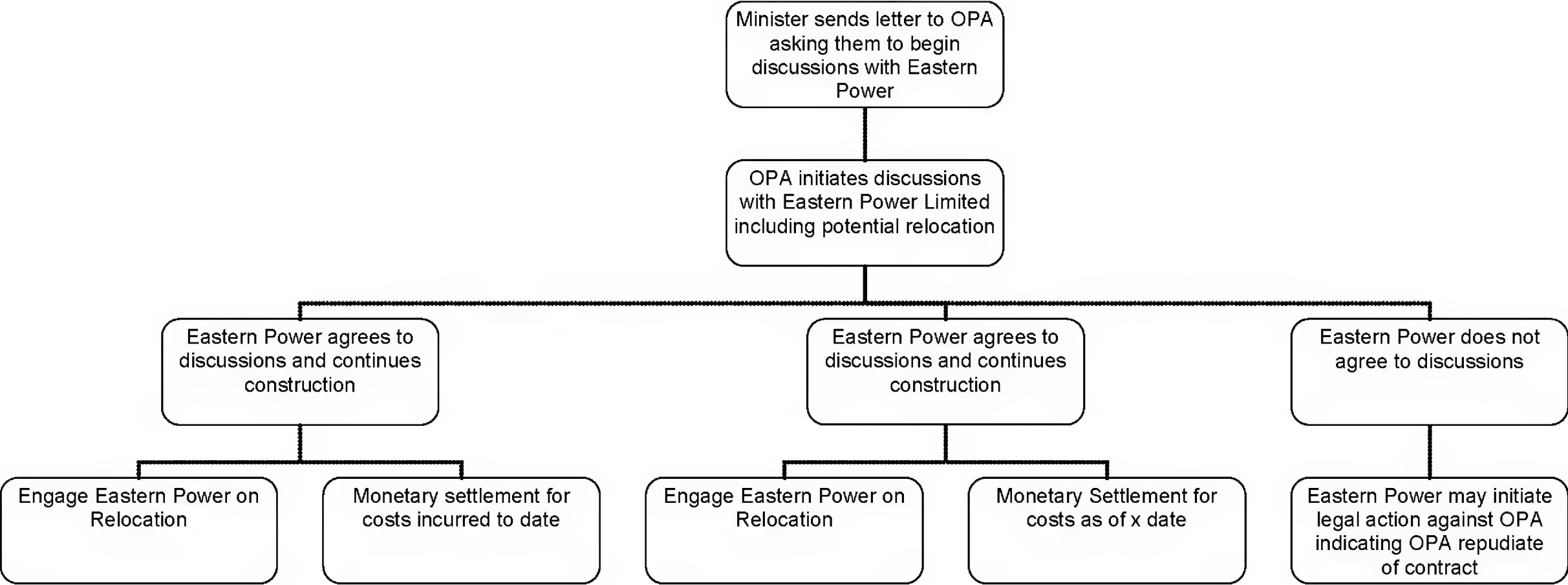
Joseph Silva

Executive Assistant (A) to the Deputy Minister of Energy

Hearst Block 4th Flr, 900 Bay St Toronto ON M7A 2E1

Tel: 416-325-2371 , Email: Joseph.Silva@ontario.ca

Greenfield South: Decision Tree



Fisher, Petra (ENERGY)

From: McKeever, Garry (ENERGY)
Sent: October-24-11 12:27 PM
To: King, Ryan (ENERGY)
Cc: MacCallum, Doug (ENERGY); Tully, Keegan (ENERGY)
Subject: FW: Fwd: Eastern Power
Attachments: Eastern Power BN.doc

Ryan

We added a bullet (3rd under projects/background) to reflect info from Serge Imbrogno.

g

From: Tully, Keegan (ENERGY)
Sent: October 24, 2011 12:13 PM
To: McKeever, Garry (ENERGY)
Cc: MacCallum, Doug (ENERGY)
Subject: RE: Fwd: Eastern Power

Here is the BN with the additional bullet.

Keegan

From: McKeever, Garry (ENERGY)
Sent: October 24, 2011 12:08 PM
To: Tully, Keegan (ENERGY)
Subject: Fw: Fwd: Eastern Power

Garry McKeever
Sent from my BlackBerry

From: King, Ryan (ENERGY)
To: Jennings, Rick (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Sent: Mon Oct 24 11:45:35 2011
Subject: RE: Fwd: Eastern Power

Eastern Power profile for review. Please let me know of any edits.

From: Jennings, Rick (ENERGY)
Sent: October 24, 2011 11:34 AM
To: King, Ryan (ENERGY)
Cc: Jenkins, Allan (ENERGY); MacCallum, Doug (ENERGY); McKeever, Garry (ENERGY)
Subject: Fw: Fwd: Eastern Power

This is what Finance sent, please include in the one pager on who is Eastern Power.

Sent from my BlackBerry Wireless Handheld

From: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
To: Jennings, Rick (ENERGY)
Sent: Mon Oct 24 11:08:22 2011
Subject: Fwd: Eastern Power

Hi Rick,

We'll keep looking but this is what we have so far.

Serge

Begin forwarded message:

From: Sandy Roberts <Sandy.Roberts@ofina.on.ca>
Date: 24 October, 2011 11:06:06 AM EDT
To: Serge Imbrogno <Serge.Imbrogno@ofina.on.ca>
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Brief: Eastern Power Limited

Address

401-2275 Lake Shore Blvd W
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Company Profile

- Eastern Power Ltd. is a privately-owned company founded in 1985. Eastern Power Limited is an Ontario-based corporation with its corporate administrative offices in Toronto and with various operating subsidiaries in the greater Toronto area.
- Greg Vogt is the president of Eastern Power.
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Projects/Background

- Eastern Power has two landfill gas non-utility generation (NUG) contracts for the Keele Valley Power Plant in Vaughan and the Brock West Power Plant in Pickering.
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- Super Blue Box Recycling Corp (SUBBOR) is an affiliate of Eastern Power which operated a demonstration Energy from Waste facility in Guelph between 1998 and 2002. Guelph terminated the relationship when they couldn't obtain proof that the facility was operating at full-scale.
- Greenfield Power is an affiliate of Eastern Power and the construction company is also an affiliate.
- Greenfield South Power Corporation, together with its affiliate Eastern Power Limited, is developing the Greenfield South Power Plant.

Cayley, Daniel (ENERGY)

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Sent: October-24-11 12:31 PM
To: Rehob, James (ENERGY); Johnson, Paul (ENERGY); Sharkawi, Rula (ENERGY)
Cc: Jennings, Rick (ENERGY); Perun, Halyna N. (ENERGY); Calwell, Carolyn (ENERGY); McKeever, Garry (ENERGY); MacCallum, Doug (ENERGY); Jenkins, Allan (ENERGY)
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Please use this version (a typo in one of the boxes)

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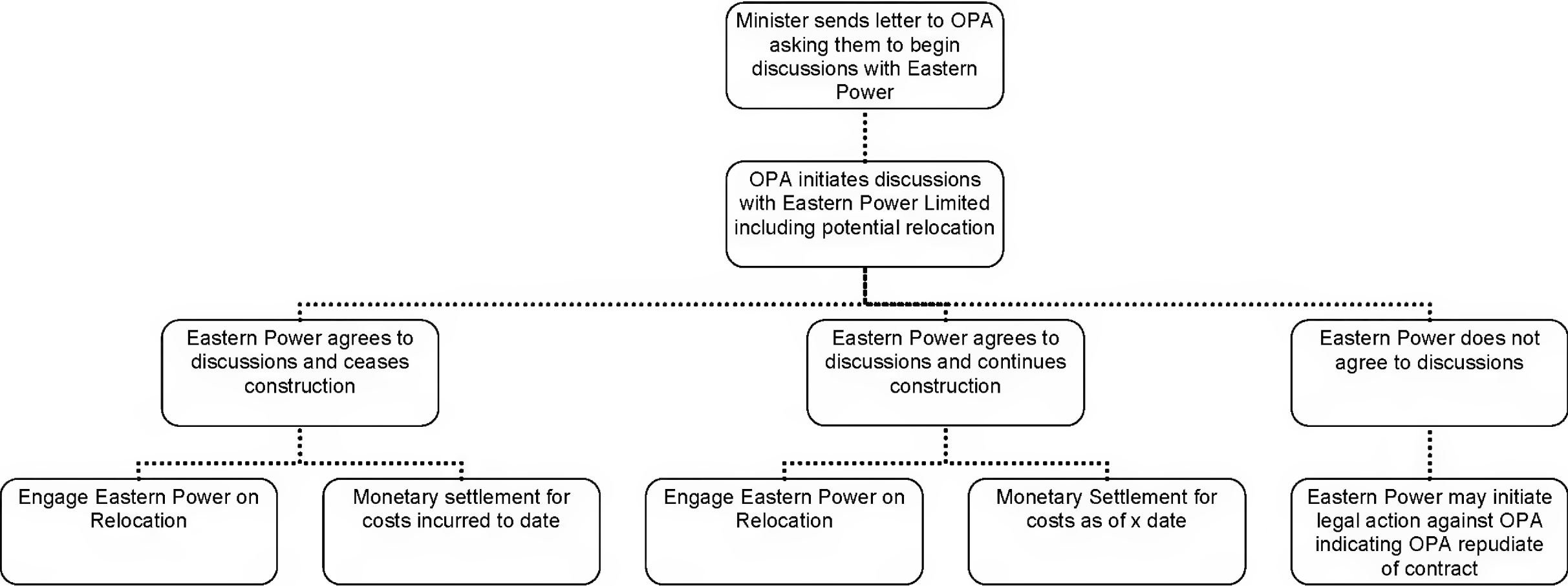
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Greenfield South: Decision Tree



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Prepared by: Ryan King, Senior Advisor and Executive Assistant
ADM's Office
4-6204

Approved by; Garry McKeever, Director

Energy Supply and Competition
5-8627

Rick Jennings, Assistant Deputy Minister
Energy Supply, Transmission and Distribution Policy
4-6190

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Duplicate attachment removed

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